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THE

MISCELLANEOUS DOCUMENTS

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THE HOUSE OF REPRESENTATIVES

DURING THE

FIRST SESSION OF THE FORTY-THIRD CONGRESS.

1873-'74.

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43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 1.

LIST OF THE MEMBERS

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AND THEIR PLACES OF RESIDENCE

DURING THE

FORTY-THIRD CONGRESS, FIRST SESSION,

COMMENCING MONDAY, DECEMBER 1, 1873.

MAINE.

1. John H. Burleigh.....South Berwick.
2. William P. Frye.....Lewiston.
3. James G. Blaine.....Augusta.
4. Samuel F. Hersey.....Bangor.
5. Eugene Hale.....Ellsworth.

NEW HAMPSHIRE.

1. William B. Small.....New Market.
2. Austin F. Pike.....Franklin.
3. Hosea W. Parker.....Claremont.

VERMONT.

1. Charles W. Willard.....Montpelier.
2. Luke P. Poland.....Saint Johnsbury.
3. George W. Hendee.....Morrisville.

MASSACHUSETTS.

1. James Buffinton.....Fall River.
2. Benjamin W. Harris.....East Bridgewater.
3. Henry L. Pierce.....Boston.
4. Samuel Hooper.....Boston.
5. Daniel W. Gooch.....Melrose.
6. Benjamin F. Butler.....Lowell.
7. E. Rockwood Hoar.....Concord.
8. John M. S. Williams.....Cambridge.
9. George F. Hoar.....Worcester.
10. Alvah Crocker.....Fitchburg.
11. Henry L. Dawes.....Pittsfield.

RHODE ISLAND.

1. Benjamin T. Eames ..... Providence.
2. James M. Pendleton ..... Westerly.

CONNECTICUT.

1. Joseph R. Hawley ..... Hartford.
2. Stephen W. Kellogg ..... Waterbury.
3. Henry H. Starkweather ..... Norwich.
4. William H. Barnum ..... Lime Rock.

NEW YORK.

1. Henry J. Scudder ..... New York
2. John G. Schumaker ..... Brooklyn.
3. Stewart L. Woodford ..... Brooklyn.
4. Philip S. Crooke ..... Brooklyn.
5. William R. Roberts ..... New York.
6. Samuel S. Cox ..... New York.
7. Thomas J. Creamer ..... New York.
8. John D. Lawson ..... New York.
9.
10. Fernando Wood ..... New York.
11. Clarkson N. Potter ..... New Rochelle.
12. Charles St. John ..... Port Jervis.
13. John O. Whitehouse ..... Poughkeepsie.
14. David M. DeWitt ..... Kingston.
15. Eli Perry ..... Albany.
16. James S. Smart ..... Cambridge.
17. Robert S. Hale ..... Elizabethtown.
18. William A. Wheeler ..... Malone.
19. Henry H. Hathorn ..... Saratoga Springs.
20. David Wilber ..... Milford.
21. Clinton L. Merriam ..... Locust Grove.
22. Ellis H. Roberts ..... Utica.
23. William E. Lansing ..... Chittenango.
24. R. Holland Duell ..... Cortland.
25. Clinton D. MacDougall ..... Auburn.
26. William H. Lamport ..... Canandaigua.
27. Thomas C. Platt ..... Owego.
28. H. Boardman Smith ..... Elmira.
29. Freeman Clarke ..... Rochester.
30. George G. Hoskins ..... Attica.
31. Lyman K. Bass ..... Buffalo.
32. Walter L. Sessions ..... Panama.

At large, Lyman Tremain ..... Albany.

NEW JERSEY.

1. John W. Hazelton ..... Mullica Hill.
2. Samuel A. Dobbins ..... Mount Holly
3. Amos Clark, jr ..... Elizabeth.
4. Robert Hamilton ..... Newton.
5. William Walter Phelps ..... Englewood.
6. Marcus L. Ward ..... Newark.
7. Isaac W. Scudder ..... Jersey City.

PENNSYLVANIA.

1. Samuel J. Randall.....Philadelphia.
2. Charles O'Neill.....Philadelphia.
3. Leonard Myers.....Philadelphia.
4. William D. Kelley.....Philadelphia.
5. Alfred C. Harmer.....Germantown.
6. James S. Biery.....Allentown.
7. Washington Townsend.....West Chester.
8. Hiester Clymer.....Reading.
9. A. Herr Smith.....Lancaster.
10. John W. Killinger.....Lebanon.
11. John B. Storm.....Stroudsburg.
12. Lazarus D. Shoemaker.....Wilkesbarre.
13. James D. Strawbridge.....Danville.
14. John B. Packer.....Sunbury.
15. John A. Magee.....New Bloomfield.
16. John Cessna.....Bedford.
17. R. Milton Speer.....Huntingdon.
18. Sobieski Ross.....Condersport.
19. Carlton B. Curtis.....Erie.
20. Hiram L. Richmond.....Meadville.
21. Alexander W. Taylor.....Indiana.
22. James S. Negley.....Pittsburgh.
23. Ebenezer McJunkin.....Butler.
24. William S. Moore.....Washington.

At large, Lemuel Todd.....Carlise.
At large, Charles Albright.....Mauch Chunk.
At large, Glenni W. Scofield.....Warren.

DELAWARE.

1. James R. Lofland.....Milford.

MARYLAND.

1. Ephraim K. Wilson.....Snow Hill.
2. Stevenson Archer.....Belair.
3. William J. O'Brien.....Baltimore.
4. Thomas Swann.....Baltimore.
5. William J. Albert.....Baltimore.
6. Lloyd Lowndes, jr.....Cumberland.

VIRGINIA.

1. James B. Sener.....Fredericksburgh.
2. James H. Platt, jr.....Norfolk.
3. J. Ambler Smith.....Richmond.
4. William H. H. Stowell.....Burkeville.
5. Christopher Y. Thomas.....Martinsville, Va.
6. Thomas Whitehead.....Amherst C. H.
7. John T. Harris.....Harrisonburg.
8. Eppa Hunton.....Warrenton.
9. Reese T. Bowen.....Maiden Spring.

NORTH CAROLINA.

1. Clinton L. Cobb ..... Elizabeth City.
2. Charles R. Thomas ..... Newbern.
3. Alfred M. Waddell ..... Wilmington.
4. William A. Smith ..... Princeton.
5. James M. Leach ..... Lexington.
6. Thomas S. Ashe ..... Waterborough.
7. William M. Robbins ..... Statesville.
8. Robert B. Vance ..... Ashville.

SOUTH CAROLINA.

1. Joseph H. Rainey ..... Georgetown.
2. Alonzo J. Ransier ..... Charleston.
3. Robert B. Elliott ..... Columbia.
4. Alexander S. Wallace ..... Yorkville.

At large, Richard H. Cain ..... Columbia.

GEORGIA.

1. Andrew Sloan ..... Savannah.
2. Richard H. Whiteley ..... Bainbridge.
3. Philip Cook ..... Americus.
4. Henry R. Harris ..... Greenville.
5. James C. Freeman ..... Griffin.
6. James H. Blount ..... Macon.
7. Pierce M. B. Young ..... Cartersville.
8. Alexander H. Stephens ..... Crawfordsville.
9. Hiram P. Bell ..... Cumming.

ALABAMA.

1. Frederick G Bromberg ..... Mobile.
2. James T. Rapier ..... Montgomery.
3. Charles Pelham ..... Talladega.
4. Charles Hays ..... Haysville.
5. John H. Caldwell ..... Jacksonville.
6. Joseph H. Sloss ..... Tuscumbia.

At large, Alexander White ..... Selma.
At large, Christopher C. Sheats ..... Decatur.

MISSISSIPPI.

1. Lucius Q. C. Lamar ..... Oxford.
2. Albert R. Howe ..... Sardis.
3. Henry W. Barry ..... Columbus.
4. Jason Niles ..... Kosciusko.
5. George C. McKee ..... Jackson.
6. John R. Lynch ..... Natchez.

LOUISIANA.

1. J. Hale Sypher ..... New Orleans.
2. Lionel A. Sheldon ..... New Orleans.
3. Chester B. Darrall ..... Brashear.
4. George L. Smith ..... Shreveport.
5. Frank Morey ..... Monroe.

At large.

OHIO.

1. Milton Sayler ..... Cincinnati.
2. Henry B. Banning ..... Cincinnati.
3. John Q. Smith ..... Oakland.
4. Lewis B. Gunckel ..... Dayton.
5. Charles N. Lamison ..... Lima.
6. Isaac R. Sherwood ..... Bryan.
7. Lawrence T. Neal ..... Chillicothe.
8. William Lawrence ..... Bellefontaine.
9. James W. Robinson ..... Marysville.
10. Charles Foster ..... Fostoria.
11. Hezekiah S. Bundy ..... Reed's Mills.
12. Hugh J. Jewett ..... Columbus.
13. Milton I. Southard ..... Zanesville.
14. John Berry ..... Upper Sandusky.
15. William P. Sprague ..... McConnellsville.
16. Lorenzo Danford ..... Saint Clairville.
17. Laurin D. Woodworth ..... Youngstown.
18. James Monroe ..... Oberlin.
19. James A. Garfield ..... Hiram.
20. Richard C. Parsons ..... Cleveland.

KENTUCKY.

1. Edward Crossland ..... Mayfield.
2. John Young Brown ..... Henderson.
3. Charles W. Milliken ..... Franklin.
4. William B. Read ..... Hodgensville.
5. Elisha D. Standeford ..... Louisville.
6. William E. Arthur ..... Covington.
7. James B. Beck ..... Lexington.
8. Milton J. Durham ..... Danville.
9. George M. Adams ..... Barboursville.
10. John D. Young ..... Owensville.

TENNESSEE.

1. Roderick R. Butler ..... Taylorsville.
2. Jacob M. Thornburgh ..... Knoxville.
3. William Crutchfield ..... Chattanooga.
4. John M. Bright ..... Fayetteville.
5. Horace H. Harrison ..... Nashville.
6. Washington C. Whitthorne ..... Columbia.
7. John D. C. Atkins ..... Paris.
8. David A. Nunn ..... Brownsville.
9. Barbour Lewis ..... Memphis.

At large, Horace Maynard ..... Knoxville.

INDIANA.

1. William E. Niblack ..... Vincennes.
2. Simeon K. Wolfe ..... New Albany.
3. William S. Holman ..... Aurora.
4. Jeremiah M. Wilson ..... Connersville.
5. John Coburn ..... Indianapolis.
6. Morton C. Hunter ..... Bloomington.
7. Thomas J. Cason ..... Lebanon.

8. James N. Tyner.....Peru.
9. John P. C. Shanks.....Jay Court House.
10. Henry B. Sayler.....Huntington.
11. Jasper Packard.....Laporte.

At large, Godlove S. Orth.....La Fayette.
At large, William Williams.....Warsaw.

ILLINOIS.

1. John B. Rice.....Chicago.
2. Jasper D. Ward.....Chicago.
3. Charles B. Farwell.....Chicago.
4. Stephen A. Hurlburt.....Belvidere.
5. Horatio C. Burchard.....Freeport.
6. John B. Hawley.....Rock Island.
7. Franklin Corwin.....Peru.
8. Greenbury L. Fort.....Lacon.
9. Granville Barnere.....Canton.
10. William H. Ray.....Rushville.
11. Robert M. Knapp.....Jerseyville.
12. James C. Robinson.....Springfield.
13. John McNulta.....Bloomington.
14. Joseph G. Cannon.....Tuscola.
15. John R. Eden.....Sullivan.
16. James S. Martin.....Salem.
17. William R. Morrison.....Waterloo.
18. Isaac Clements.....Carbonbale.
19. Samuel S. Marshall.....McLeansboro'.

MISSOURI.

1. Edwin O. Stanard.....Saint Louis.
2. Erastus Wells.....Saint Louis.
3. William H. Stone.....Saint Louis.
4. Robert A. Hatcher.....New Madrid.
5. Richard P. Bland.....Lebanon.
6. Harrison E. Havens.....Springfield.
7. Thomas T. Crittenden.....Warrensburg.
8. Abram Comingo.....Independence.
9. Isaac C. Parker.....Saint Joseph.
10. Ira B. Hyde.....Princeton.
11. John B. Clarke, jr.....Fayette.
12. John M. Glover.....La Grange.
13. Aylett H. Buckner.....Saint Charles.

ARKANSAS.

1. Asa Hodges.....Little Rock.
2. Oliver P. Snyder.....Pine Bluff.
3. William W. Wilshire.....Little Rock.

At large, William J. Hynes.....Little Rock.

MICHIGAN.

1. Moses W. Field.....Detroit.
2. Henry Waldron.....Hillsdale.
3. George Willard.....Battle Creek.
4. Julius C. Burrows.....Kalamazoo.

5. William B. Williams.....Allegan
6. Josiah W. Begole.....Flint.
7. Omar D. Conger.....Port Huron.
8. Nathan B. Bradley.....Bay City.
9. Jay A. Hubbell.....Houghton.

FLORIDA.

1. Josiah T. Walls.....Gainesville.
2. William J. Purman.....Tallahassee.

TEXAS.

1. William S. Herndon.....Tyler.
2. William P. McLean.....Mount Pleasant.
3. De Witt C. Giddings.....Brenham.
4. John Hancock.....Austin.

At large, Roger Q. Mills.....Corsicana.
At large, Asa H. Willie.....Galveston.

IOWA.

1. George W. McCrary.....Keokuk.
2. Aylett R. Cotton.....Lyons.
3. William G. Donnan.....Independence.
4. Henry O. Pratt.....Charles City.
5. James Wilson.....Buckingham.
6. William Loughridge.....Oskaloosa.
7. John A. Kasson.....Des Moines.
8. James W. McDill.....Afton.
9. Jackson Orr.....Boone.

WISCONSIN.

1. Charles G. Williams.....Janesville.
2. Gerry W. Hazelton.....Columbus.
3. J. Allen Barber.....Lancaster.
4. Alexander Mitchell.....Milwaukee.
5. Charles A. Eldredge.....Fond du Lac.
6. Philetus Sawyer.....Oshkosh.
7. Jeremiah M. Rusk.....Viroqua.
8. Alexander S. McDill.....Plover.

CALIFORNIA.

1. Charles Clayton.....San Francisco.
2. Horace F. Page.....Placerville.
3. John K. Luttrell.....Fort Jones.
4. Sherman O. Houghton.....San José.

MINNESOTA.

1. Mark H. Dunnell.....Owatonna.
2. Horace B. Strait.....Shakopee.
3. John T. Averill.....Saint Paul.

OREGON.

1. James W. Nesmith.....Salem.

KANSAS.

1. David P. Lowe ..... Fort Scott.
2. Stephen A. Cobb ..... Wyandotte.
3. William A. Phillips ..... Salina.

WEST VIRGINIA.

1. John J. Davis ..... Clarksburg.
2. J. Marshall Hagans ..... Morgantown.
3. Frank Hereford ..... Union.

NEVADA.

1. Charles W. Kendall ..... Hamilton.

NEBRASKA.

1. Lorenzo Crounse ..... Fort Calhoun.

DELEGATES FROM THE TERRITORIES.

NEW MEXICO.

1. Stephen B. Elkins ..... Santa Fé.

UTAH.

1. George Q. Cannon ..... Salt Lake City.

WASHINGTON.

1. Obadiah B. McFadden ..... Olympia.

COLORADO.

1. Jerome B. Chaffee ..... Denver.

DAKOTA.

1. Moses K. Armstrong ..... Yankton.

ARIZONA.

1. Richard C. McCormick ..... Tucson.

IDAHO.

1. John Hailey ..... Boise City.

MONTANA.

1. Martin Maginnis ..... Helena.

WYOMING.

1. William R. Steele ..... Cheyenne.

DISTRICT OF COLUMBIA.

1. Norton P. Chipman ..... Washington.

FEBRUARY 19, 1874.

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 2.

MICHIGAN SHIP-CANAL.

RESOLUTIONS

OF

THE LEGISLATURE OF MICHIGAN,

ASKING

Congress for an appropriation for survey of the Michigan ship-canal.

DECEMBER 4, 1873.—Referred to the Committee on Commerce and ordered to be printed.

Whereas the President of the United States, in the interest of cheap transportation, and in view of the growing commerce of the great West, has called the attention of Congress to the importance of constructing ship-canals from the West to the East, for the better and cheaper transportation of the surplus products of the western granaries:

Resolved, That this legislature most cordially indorse this feature of the annual message of President Grant, believing as we do that the early construction of a few such canals would be a great source of relief to the rapidly-increasing commerce of the States of the Northwest.

Resolved by the senate and house of representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use their influence to procure an appropriation for the survey of the Michigan ship-canal, from some point on the eastern shore of Lake Michigan to some point of Lake Erie or Lake Huron.

Resolved, That his excellency the governor be requested to transmit copies of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

HENRY H. HOLT,
President of the Senate.
CHARLES M. CROSWELL,
Speaker of the House of Representatives.

Approved March 28, 1873.

JOHN J. BAGLEY.

O

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 3.

NIAGARA FALLS SHIP-CANAL.

RESOLUTIONS

OF

THE LEGISLATURE OF MICHIGAN,

ASKING

Congress to provide for the construction of a ship-canal around the falls of Niagara.

DECEMBER 4, 1873.—Referred to the Committee on Commerce and ordered to be printed.

Whereas the experience of each passing year, and none more so than the past, fully and clearly demonstrates that the agricultural States of the West must by some means secure greater facilities and cheaper rates of transportation to the Atlantic sea-board than they now possess, in order to insure their continued development and consequent prosperity; and

Whereas that experience has equally demonstrated that those results can never be secured with the present means and facilities of transit; and

Whereas, in the judgment of this legislature, the only means of securing such greater facilities and cheaper rates is by opening up continuous navigation of large capacity from Lake Erie down into Lake Ontario, and thence to the Atlantic Ocean, and as this can only be done by the construction of a canal adequate to the navigable capacity of the upper lakes around the falls of Niagara: Therefore, be it

Resolved, By this legislature, that Congress be requested to adopt such legislation as shall insure the speedy construction of that work.

Resolved, That our Senators and Representatives in Congress be requested to use their best efforts to secure such legislation.

Resolved, That duly authenticated copies of this memorial and resolutions be transmitted to the President of the Senate and Speaker of the House of Representatives, with request that they lay them before their respective Houses, and to each of our Senators and Representatives in Congress.

Approved April 18, 1873.

STATE OF MICHIGAN,

Office of the Secretary of State, ss:

I, Daniel Striker, secretary of state of the State of Michigan, do hereby certify that I have compared the annexed copy of joint resolution approved April 18, 1873, with the original on file in this office, and that it is a true and correct transcript therefrom, and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Michigan at Lansing, this 23d day of April, in the year of our Lord one thousand eight hundred and seventy-three.

[SEAL.]

G. M. HASTY,
Deputy Secretary of State.

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 4.

E. C. BOUDINOT.

[To accompany bill H. R. 163.]

MEMORIAL

OF

E. C. BOUDINOT.

DECEMBER 4, 1873.—Referred to the Committee on the Judiciary and ordered to be printed.

To the Congress of the United States:

Your memorialist, Elias C. Boudinot, a Cherokee Indian, respectfully represents that a suit against his property is now pending in the United States court for the western district of Arkansas, and has been for several years.

That it originated from the fact that he manufactured tobacco in the Cherokee Nation, and sold the same in the Indian Territory without conforming to the internal-revenue laws of the United States, providing for the collection of taxes on manufactured tobacco in the United States, believing himself at the time exempt from the operation of such laws while he manufactured and sold his products within the limits of the Indian Territory, and did not attempt to sell the same outside of the Indian Territory, without paying the tax required by law.

That upon a complete presentation of all the facts of his case, both Houses of the Forty-second Congress passed, without objection, a bill for his relief. The bill passed by both Houses, together with the report of the Judiciary Committee, are herewith annexed, and prayed to be made a part of this memorial.

Your memorialist candidly believes he is justly entitled to the relief unanimously adjudged by the Forty-second Congress to be due him; but desiring to save his securities from loss, he simply petitions your honorable bodies to relieve him and his securities by directing the dismissal of all proceedings against him or his property, or his securities, which may be pending in the United States district court for the western district of Arkansas, on account of said alleged violations of the internal-revenue laws.

Respectfully, &c.,

E. C. BOUDINOT.

FORTY-SECOND CONGRESS, SECOND SESSION.

HOUSE OF REPRESENTATIVES.—REPORT No. 6.

JANUARY 16, 1872.—Ordered to be printed and recommitted to the Committee on the Judiciary.

JANUARY 30, 1872.—Ordered to be printed and recommitted to the Committee on the Judiciary.

Mr. VOORHEES, from the Committee on the Judiciary, made the following

REPORT:

The committee have carefully examined the facts and record in the case of Elias C. Boudinot, a Cherokee Indian, and find them to be as follows:

In the year 1867 said Boudinot established a factory for the manufacture of tobacco in the Cherokee Nation; at that time there was no law imposing any taxes whatever upon members of Indian tribes inhabiting what is known as the "Indian Territory;" but on the part of the Cherokee Nation of Indians, it appears that a *special* provision of their treaty with the United States, of July 19, 1866, exempted all Cherokees resident in that Nation from taxation of every kind. The 10th article of such treaty is in these words:

"Every Cherokee and freed person resident in the Cherokee Nation shall have the right to sell any products of his farm, including his or her live-stock, or any merchandise or manufactured products, and to ship and drive the same to market without any restraint, paying any tax thereon which is now or may be levied by the United States on the quantity sold outside the Indian Territory."

Mr. Boudinot proceeded in his business of manufacturing tobacco, without apprehension or doubt as to his right to manufacture and sell tobacco in the Indian Territory without paying tax until Congress enacted the revenue law of July 20, 1868, regulating the collection of taxes on liquors and tobacco. The 107th section of this act of Congress is as follows:

"That the internal-revenue laws imposing taxes on distilled spirits, fermented liquors, tobacco, snuff, and cigars, shall be held and construed to extend *to such articles* produced anywhere within the exterior boundaries of the United States, whether the same shall be within a collection-district or not."

The record shows that, shortly after the enactment of this law, Mr. Boudinot applied to the Commissioner of Internal Revenue—at that time the Hon. E. A. Rollins—to know if the said 107th section, above quoted, was intended to extend the revenue laws in respect to liquors and tobacco over the Indian Territory.

In response to this application of Mr. Boudinot, Mr. Rollins officially informed him that—

"*Notwithstanding* the language of said section, the tax could not be collected upon tobacco manufactured in the Indian country so long as it remained in said country; but, upon its being brou ht within any collection-district of the United States, it would be liable to seizure and forfeiture, unless it should be properly stamped, thus indicating that the tax imposed by law had been paid."

This letter of Mr. Commissioner Rollins is dated the 23d day of February, 1869.

Upon the succession of Hon. Columbus Delano to the office of Commissioner of Internal Revenue, it appears that Mr. Boudinot was anxious to obtain from the new incumbent an indorsement of his business, as he had previously done while Mr. Rollins was in office.

The record shows that Mr. Delano was more deliberate and careful in the expression of his opinion than was Mr. Rollins, for Mr. Delano referred the subject to Judge Charles P. James for legal advice. After thorough examination of the Cherokee treaty, and the said act of Congress of July 20, 1868, Mr. Delano authorized the following letter and opinion to be forwarded to Mr. Boudinot:

"TREASURY DEPARTMENT,
"OFFICE OF INTERNAL REVENUE,
"*Washington, October* 21, 1869.

"GENTLEMEN: This office does not propose to apply *within* the territories of the Cherokee Nation the revenue laws relating to tobacco and spirits produced there; but holds that section one hundred and seven of the act of 20th July, 1868, applies to the articles

themselves, and will be enforced when those articles are carried into the States or Territories of the United States for sale. The grounds of this determination, and the instructions given to the revenue officers, are more fully explained by the accompanying memorandum of opinion by Judge James, to whom the question was originally referred.

"Very respectfully,

"C. DELANO, *Commissioner.*

"Messrs. PIKE & JOHNSON, *Counselors-at-Law.*

"*In the matter of taxes on tobacco produced in the territory of the Cherokee Nation.*

"SIR: I have examined the argument of Colonel Elias C. Boudino, a citizen of the Cherokee Nation, against the collection within its territory of taxes upon tobacco manufactured there, and have the honor to make the following reply:

"The question, whether section 107 of the act of 20th July, 1868, intended that the revenue laws relating to tobacco and spirits produced in 'the Indian country' should be extended *into* that country and there enforced, was submitted to me by yourself about the 12th day of August last. I had the honor to advise you that, without any reference to existing treaties, it was apparent, on the face of the statute itself, that Congress did not intend to apply the revenue laws to the Indian country itself, but to *the articles* produced there, and that the application could be made only to such part of these manufactures as might be carried thence into the States or Territories of the United States. The action of your office was afterward taken in accordance with this advice, and instructions to that effect were sent, as I was informed, to the revenue officers of Kansas, Missouri, and Texas.

"CHARLES P. JAMES,
"*Counselor-at-Law.*

"Hon. COLUMBUS DELANO,
"*Commissioner of Internal Revenue.*"

It will be observed that this letter of Mr. Delano is dated October 21, 1869; it was forwarded to Mr. Boudinot, who was, at that time, in the Cherokee Nation, and received by him about the 1st of December, 1869; in less than thirty days after the reception by Boudinot of Mr. Delano's letter, the tobacco-factory of Boudinot, with everything pertaining thereto, was seized by the revenue officers of the United States. Mr. Boudinot was also arrested, and held to bail in the sum of twenty-five hundred dollars, to answer a criminal charge before the next term of the United States district court for the western district of Arkansas.

At the regular term of said court, which convened on the 2d Monday in May, 1870, the court decided that, although the treaty of 1866 clearly gave Mr. Boudinot the right to manufacture tobacco in the Cherokee Nation, and sell the same in the Indian Territory without paying tax, still, the 107th section of the act of Congress of July 20, 1868, being repugnant to said treaty, abrogated the same, *pro tanto*, and extended the provisions of the revenue laws relating to liquors and tobacco over the Indian country, and that the decisions of Mr. Rollins and Mr. Delano were no protection to Mr. Boudinot. The judge of such district court, however, explicitly exonerated Mr. Boudinot from any intent to defraud the Government, as the following language from his decision in the case will show:

"In what I have said in reference to the frauds committed by those who might engage in the manufacture of tobacco in that country, I do not wish to be understood as reflecting on the claimant in this case. There is nothing in this case, as submitted to the court and jury, to show that he was engaged in any such practices. He seems to have acted in good faith, supposing the law to be as he claims it. In this he was mistaken, and his manufactory and tobacco are as much subject to forfeiture as if he had in fact acted with the most fraudulent motives."

Mr. Boudinot was also indicted at said term of the district court for manufacturing tobacco in the Indian country without conforming to the internal-revenue laws.

Mr. Boudinot appealed his case to the Supreme Court of the United States, which court, on the 1st day of May last, affirmed the judgment of the said district court; two of the judges, however, Justices Bradley and Davis, dissenting, while Chief Justice Chase and Justice Fields did not sit in the case.

The committee invite attention to the concluding portion of the opinion of the majority of the court, delivered by Justice Swayne:

"But conceding these views to be correct, it is insisted that the section cannot apply to the Cherokee Nation, because it is in conflict with the treaty. Undoubtedly one or the other must yield. The repugnancy is clear, and they cannot stand together.

"The second section of the fourth article of the Constitution of the United States declares that 'this Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties which shall be made under the authority of the United States, shall be the supreme law of the land.'

"It need hardly be said that a treaty cannot change the Constitution, or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government. The effect of treaties and acts of Congress, when in conflict, is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. A treaty may supersede a prior act of Congress, (Foster & Elam *vs.* Neilson, 2 Pet., 314,) and an act of Congress may supersede a prior treaty, (Taylor *vs.* Norton, 2 Curtis, 454; the Clinton Bridge, 1 Walworth's Reports, 155.) In the cases referred to, these principles were applied to treaties with foreign nations. Treaties with Indian nations within the jurisdiction of the United States, whatever considerations of humanity and good faith may be involved and require their faithful observance, cannot be more obligatory. They have no higher sanctity, and no greater inviolability or immunity from legislative invasion can be claimed for them. The consequences in all such cases give rise to questions which must be met by the political department of the Government. They are beyond the sphere of judicial cognizance. In the case under consideration, the act of Congress must prevail as if the treaty were not an element to be considered.

"If a wrong has been done, the power of redress is with Congress, not with the judiciary, and that body, upon being applied to, it is to be presumed, will promptly give the proper relief.

"Does the section thus construed deserve the severe strictures which have been applied to it?

"As before remarked, it extends the revenue laws over the Indian territories only as to liquors and tobacco. In all other respects the Indians in those territories are exempt. As regards those articles, only the same duties are exacted as from our own citizens. The burden must rest somewhere. Revenue is indispensable to meet the public necessities. Is it unreasonable that this small portion of it shall rest upon these Indians? The frauds that might otherwise be perpetrated there by others, under the guise of Indian names and simulated Indian ownership, is also a consideration not to be overlooked.

"We are glad to know that there is no ground for any imputation upon the integrity or good faith of the claimants who prosecuted this writ of error. In a case not free from doubt and difficulty, they acted under a misapprehension of their legal rights.

"The judgment of the district court is affirmed."

The indictment against Mr. Boudinot will be dismissed in accordance with instructions of the Attorney-General; but the question for the committee to determine is, what further redress should be given to Mr. Boudinot. It will be noticed that, in the opinion of the court above quoted, Boudinot is advised to appeal to Congress in the following words:

"If a wrong has been done, the power of redress is with Congress, not with the judiciary, and that body, upon being applied to, it is presumed, will promptly give the proper relief."

There is one point in Boudinot's case that should not be overlooked; that is, that he had the official written authority of the Commissioners of Internal Revenue for doing what he was doing, up to within thirty days of the seizure of his factory, and that Mr. Boudinot received no notice that a different policy would be pursued.

The Supreme Court has settled the law to be against the right of Boudinot to manufacture tobacco in the Cherokee Nation without conforming to the revenue laws, but that does not affect the equities in his case; he was acting under the direction of the very officer authorized by law to advise and direct in such business. It was due Boudinot, as well as the good faith of such officer, that notice should be given to Boudinot that the 107th section of the act of July 20, 1868, had abrogated his rights under the 10th article of the Cherokee treaty of 1866, and that thenceforward he would be required to conform to the revenue law the same as any citizen of the United States.

There is no complaint that Boudinot ever sold, or authorized to be sold, a pound of tobacco outside of the Indian Territory without the payment of tax required by law. The judge of the district court which decided his case testifies to his good faith in every respect; the Supreme Court, affirming the judgment of the lower court, takes pleasure in testifying to his good faith.

There is not the slightest doubt but Mr. Boudinot is a Cherokee Indian, and a citizen of the Cherokee Nation; he was one of the recognized representatives or delegates from the Cherokee Nation to the United States Government, in 1868, and his name appears as such to the treaty of that year made by this Government with the Cherokee Nation. Though an Indian, he claims no leniency on the ground of ignorance; he has shown throughout a disposition to deal honorably and justly with the Government of the United States in this matter, and pursued just such a course as any gentleman of intelligence and education would have pursued under similar circumstances.

The committee recommend the following bill:

"A BILL for the relief of Elias C. Boudinot, a Cherokee Indian.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the civil proceedings now pending in the name of the United

States against the property claimed by the said Elias C. Boudinot, for alleged violations of the internal-revenue laws, be discontinued and dismissed, and that the property seized and taken from him, and the gross proceeds of the sale of any such property, on account of alleged violations of said laws, be returned and restored to him by the proper officers of the Government."

AN ACT for the relief of Elias C. Boudinot.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the civil proceedings now pending in the name of the United States against the property claimed by the said Elias C. Boudinot, for alleged violations of the internal-revenue laws, be discontinued and dismissed, and that the property seized and taken from him, and the gross proceeds of the sale of any such property, on account of alleged violations of said laws, be returned and restored to him by the proper officers of the Government: *Provided*, That taxes legally due from and unpaid by said Boudinot, in respect to the business, shall have first been paid, or deducted from the proceeds aforesaid.

Passed both Houses, as printed within, and presented to the President for approval, March 1, 1873.

EDW. McPHERSON,
Clerk House Representatives.

NOVEMBER 22, 1873.

O

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 5.

PROPOSED AMENDMENT TO THE RULES OF THE HOUSE OF REPRESENTATIVES.

DECEMBER 4, 1873.—Referred to the Committee on the Rules and ordered to be printed.

Mr. POLAND submitted the following

RESOLUTION:

Resolved, That the rules of the House be amended by adding thereto the following, to wit:

RULE —. All resolutions calling for information from the President, or from any Department, to be laid before Congress, shall first be referred to some appropriate standing committee of the House for a report as to the necessity and propriety of making such call; and such committee shall report thereon without delay, and shall be authorized to report at any time.

RULE —. Whenever any resolution or proposition shall be offered by a member for an investigation by a committee of the House, relating to the conduct or action of any member thereof, or of any officer or department of the Government, or of any person or subject within the authority of the House, such resolution or proposition shall be referred to some appropriate standing committee of the House for report whether there is reasonable and probable cause for such investigation. And the member offering such resolution or proposition shall appear before such committee and state to them all the knowledge and information upon which such resolution or proposition is offered, and all his grounds and reasons for believing such investigation ought to be made. And thereupon, without any unnecessary delay, such committee shall report to the House whether such investigation ought to be ordered.

It shall be in order for such committee to report at any time; and the question of accepting or rejecting the report of such committee, or amendments thereto, shall be taken without being delayed by dilatory motions.

Mr. LAWRENCE submitted the following

RESOLUTION:

Resolved, That the Committee on the Rules (when appointed) be, and re, instructed to inquire into the expediency of providing by rule as llows:

1. That no bill shall contain more than one subject, which shall be xpressed in its title.

2. That the question of agreeing to the report of a committee of con- rence on disagreeing votes between the two Houses of Congress shall e divisible, so that such report may be agreed to in part or rejected in art.

3. That no general legislative provision shall be ingrafted on an ap- ropriation bill by a committee of conference on disagreeing votes be- ween the two Houses of Congress.

O

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 7.

PROPOSED AMENDMENT TO THE RULES OF THE HOUSE OF REPRESENTATIVES.

DECEMBER 4, 1873.—Referred to the Committee on the Rules and ordered to be printed.

Mr. RANDALL submitted the following

RESOLUTION:

Resolved, That the Committee on the Rules (when appointed) be instructed to inquire in to the expediency of repealing the prescribed oath now taken by members of Congress, generally known as the "iron-clad oath," with power to report a bill repealing the same, and with the privilege to report at any time.

O

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 8.

PROPOSED AMENDMENT TO THE RULES OF THE HOUSE OF REPRESENTATIVES.

DECEMBER 4, 1873.—Referred to the Committee on the Rules and ordered to be printed.

Mr. MOREY submitted the following

RESOLUTION:

Resolved, That a committee of seven members, to be known as the "Committee on Mississippi Levees," be added to the committees of this House.

O

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 9.

PROPOSED AMENDMENT TO THE RULES OF THE HOUSE OF REPRESENTATIVES.

DECEMBER 4, 1873.—Referred to the Committee on the Rules and ordered to be printed.

Mr. COBURN submitted the following

RESOLUTION:

Resolved, That the Committee on the Rules be instructed to inquire into the expediency of so amending the rules that the Committee on Appropriations be divided into five or more committees of appropriation, and that they be consolidated with the Committees on Expenditures, investing such newly-formed committees with power both to report upon appropriations and to investigate as to accounts and expenditures in the fullest manner.

O

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 10.

PROPOSED AMENDMENT TO THE RULES OF THE HOUSE OF REPRESENTATIVES.

DECEMBER 4, 1873.—Referred to the Committee on the Rules and ordered to be printed.

Mr. ELLIS H. ROBERTS submitted the following

RESOLUTION:

Resolved, That rule one hundred and thirty be amended by adding at the end thereof the following:

At the close of the call of States and Territories for bills on leave and resolutions on every Monday, it shall be the duty of the Speaker to call the States and Territories in alphabetical order, and each member may once only on each call make a motion to suspend the rules; and the whole of every Monday after the morning hour shall be devoted to this order of business, unless the House shall by a majority vote direct the consideration of one of the regular appropriation bills.

O

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 11.

PROPOSED AMENDMENT TO THE RULES OF THE HOUSE OF REPRESENTATIVES.

DECEMBER 4, 1873.—Referred to the Committee on the Rules and ordered to be printed.

Mr. GARFIELD submitted the following

RESOLUTION:

Resolved, That the rules be so amended as to provide that when a House bill returns to the House with Senate amendments, points of order may be made in the House against any such amendments whenever the same are not germane to the subject-matter of the bill; or when such amendment contains an appropriation not authorized by law.

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 12.

PROPOSED AMENDMENT TO THE RULES OF THE HOUSE OF REPRESENTATIVES.

DECEMBER 4, 1873.—Referred to the Committee on the Rules and ordered to be printed.

Mr. CHAFFEE submitted the following

RESOLUTION:

Resolved, That the rules be amended so as to authorize the appointment of one Delegate, with the same powers and privileges as they are entitled to in the House, upon the following committees, to wit: The Committees on Mines and Mining, on Indian Affairs, on the Public Lands, and on Private Land-Claims.

○

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 13.

SALARIES OF MEMBERS OF CONGRESS.

DECEMBER 4, 1873.—Referred to the Select Committee on Salaries.
DECEMBER 5, 1873.—Ordered to be printed.

Mr. KELLOGG submitted the following

RESOLUTION:

Resolved, That the Special Committeee on the Reduction of Salaries be directed to inquire into the actual amounts paid to all the members of the House for salaries, mileage, allowance for stationery, and other allowances, in the Forty-second Congress, before the increase of salaries of March, 1873; and to report the amounts of each, and the gross amount, to this House, with the average amount for each member in the Forty-second Congress, as the law existed before said increase.

O

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 14.

TELEGRAPH-OPERATOR AT THE CAPITOL.

LETTER

FROM THE

CLERK OF THE HOUSE OF REPRESENTATIVES

RELATIVE

To the appointment of a person to operate the telegraph connecting the Capitol with the various Departments of the Government and the Government Printing-Office.

DECEMBER 4, 1873.—Laid on the table and ordered to be printed.

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES U. S.,
Washington, D. C., December 4, 1873.

SIR: In the sundry civil bill passed at the last session of Congress an appropriation was made for connecting the Capitol by telegraph, to be used solely for public business, with all the Departments of the Government and the Government Printing-Office in this city. The work has been done, with the exception of the placing of the instrument and fixtures to be used in the House wing. They have been deposited by the person in charge in this office to await the designation of a person to operate them. No provision having been made by law, it will devolve upon the House to indicate how, and by whom, this appointment is to be made.

I am, very respectfully, your obedient servant,

EDW. McPHERSON,
Clerk House of Representatives United States.

Hon. JAMES G. BLAINE,
Speaker House of Representatives United States, Washington, D. C.

O

43D CONGRESS, 1st Session. | HOUSE OF REPRESENTATIVES. | MIS. DOC. No. 15.

STANDING AND SELECT COMMITTEES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

FORTY-THIRD CONGRESS, FIRST SESSION.

COMMENCING MONDAY, DECEMBER 1, 1873.

COMMITTEE ON ELECTIONS.

H. Boardman Smith.....Of New York.
Charles R. Thomas.....Of North Carolina.
Gerry W. Hazelton.....Of Wisconsin.
Lemuel Todd.....Of Pennsylvania.
Austin F. Pike.....Of New Hampshire.
James W. Robinson.....Of Ohio.
Horace H. Harrison.....Of Tennessee.
Ira B. Hyde.....Of Missouri.
R. Milton Speer.....Of Pennsylvania.
Lucius Q. C. Lamar.....Of Mississippi.
Edward Crossland.....Of Kentucky.

COMMITTEE ON WAYS AND MEANS.

Henry L. Dawes.....Of Massachusetts.
William D. Kelley.....Of Pennsylvania.
Horatio C. Burchard.....Of Illinois.
Ellis H. Roberts.....Of New York.
John A. Kasson.....Of Iowa.
Henry Waldron.....Of Michigan.
Lionel A. Sheldon.....Of Louisiana.
Charles Foster.....Of Ohio.
James B. Beck.....Of Kentucky.
William E. Niblack.....Of Indiana.
Fernando Wood.....Of New York.

COMMITTEE ON APPROPRIATIONS.

James A. Garfield.....Of Ohio.
Eugene Hale.....Of Maine.
William A. Wheeler.....Of New York.
Charles O'Neill.....Of Pennsylvania.
Henry H. Starkweather.....Of Connecticut.
William Loughridge.....Of Iowa.
James N. Tyner.....Of Indiana.
Isaac C. Parker.....Of Missouri.
Samuel S. Marshall.....Of Illinois.
Thomas Swann.....Of Maryland.
John Hancock.....Of Texas.

COMMITTEE ON BANKING AND CURRENCY.

Horace Maynard.....Of Tennessee.
Charles B. Farwell.....Of Illinois.
Clinton L. Merriam.....Of New York.
Joseph R. Hawley.....Of Connecticut.
Morton C. Hunter.....Of Indiana.
William Walter Phelps.....Of New Jersey.
Jay A. Hubbell.....Of Michigan.
Jason Niles.....Of Mississippi.
Samuel J. Randall.....Of Pennsylvania.
Alexander Mitchell.....Of Wisconsin.
Milton J. Durham.....Of Kentucky.

COMMITTEE ON THE PACIFIC RAILROAD.

Philetus Sawyer.....Of Wisconsin.
J. Hale Sypher.....Of Louisiana.
John W. Killinger.....Of Pennsylvania.
Sherman O. Houghton.....Of California.
Alvah Crocker.....Of Massachusetts.
William B. Williams.....Of Michigan.
Franklin Corwin.....Of Illinois.
James W. McDill.....Of Iowa.
Erastus Wells.....Of Missouri.
William H. Barnum.....Of Connecticut.
Elisha D. Standeford.....Of Kentucky.
Thomas J. Creamer.....Of New York.
Lawrence T. Neal.....Of Ohio.

COMMITTEE ON CLAIMS.

John B. Hawley.....Of Illinois.
Lazarus D. Shoemaker.....Of Pennsylvania.
William E. Lansing.....Of New York.
Mark H. Dunnell.....Of Minnesota.
David A. Nunn.....Of Tennessee.
John Q. Smith.....Of Ohio.
Julius C. Burrows.....Of Michigan.
Albert R. Howe.....Of Mississippi.
William R. Roberts.....Of New York.
John R. Eden.....Of Illinois.
Robert Hamilton.....Of New Jersey.

COMMITTEE ON WAR-CLAIMS.

William Lawrence.....Of Ohio.
Gerry W. Hazelton.....Of Wisconsin.
Clinton L. Cobb.....Of North Carolina.
Stephen W. Kellogg.....Of Connecticut.
Isaac W. Scudder.....Of New Jersey.
A. Herr Smith.....Of Pennsylvania.
James Wilson.....Of Iowa.
William S. Holman.....Of Indiana.
John T. Harris.....Of Virginia.
William R. Morrison.....Of Illinois.
J. Allen Barber.....Of Wisconsin.

COMMITTEE ON COMMERCE.

William A. Wheeler.....Of New York.
Philetus Sawyer.....Of Wisconsin.
Omar D. Conger.....Of Michigan.
Samuel Hooper.....Of Massachusetts.
James S. Negley.....Of Pennsylvania.
Edwin O. Stanard.....Of Missouri.
Richard C. Parsons.....Of Ohio.
Charles Clayton.....Of California.
William S. Holman.....Of Indiana.
Frederick G. Bromberg.....Of Alabama.
Asa H. Willie.....Of Texas.

COMMITTEE ON THE PUBLIC LANDS.

Washington Townsend.....Of Pennsylvania.
Mark H. Dunnell.....Of Minnesota.
Jackson Orr.....Of Iowa.
Hezekiah S. Bundy.....Of Ohio.
Frank Morey.....Of Louisiana.
Charles St. John.....Of New York.
Willliam A. Phillips.....Of Kansas.
Nathan B. Bradley.....Of Michigan.
Frank Hereford.....Of West Virginia.
William S. Herndon.....Of Texas.
Hiester Clymer.....Of Pennsylvania.

COMMITTEE ON THE POST-OFFICE AND POST-ROADS.

John B. Packer.....Of Pennsylvania.
William H. H. Stowell.....Of Virginia.
Thomas C. Platt.....Of New York.
John M. S. Williams.....Of Massachusetts.
Horace F. Page.....Of California.
Lorenzo Danford.....Of Ohio.
Stephen A. Cobb.....Of Kansas.
Joseph G. Cannon.....Of Illinois.
Samuel J. Randall.....Of Pennsylvania.
William B. Read.....Of Kentucky.
John D. C. Atkins.....Of Tennessee.

COMMITTEE ON MANUFACTURES.

Charles B. Farwell.....Of Illinois.
Henry H. Hathorn.....Of New York.
James S. Biery.....Of Pennsylvania.
Alonzo J. Ransier.....Of South Carolina.
Moses W. Field.....Of Michigan.
Richard H. Whiteley.....Of Georgia.
Laurin D. Woodworth.....Of Ohio.
Alfred M. Waddell.....Of North Carolina.
Ephraim K. Wilson.....Of Maryland.
Rees T. Bowen.....Of Virginia.
James H. Blount.....Of Georgia.

COMMITTEE ON AGRICULTURE.

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William H. Lamport.....Of New York.
John W. Hazelton.....Of New Jersey.
Josiah W. Begole.....Of Michigan.
James Wilson.....Of Iowa.
William H. Ray.....Of Illinois.
Sobieski Ross.....Of Pennsylvania.
Richard H. Cain.....Of South Carolina.
Robert A. Hatcher.....Of Missouri.
William P. McLean.....Of Texas.
John J. Davis.....Of West Virginia.

COMMITTEE ON INDIAN AFFAIRS.

John T. Averill.....Of Minnesota.
David P. Lowe.....Of Kansas.
Roderick R. Butler.....Of Tennessee.
Joseph H. Rainey.....Of South Carolina.
Hiram L. Richmond.....Of Pennsylvania.
John McNulta.....Of Illinois.
John D. Lawson.....Of New York.
Benjamin W. Harris.....Of Massachusetts.
George M. Adams.....Of Kentucky.
Abram Comingo.....Of Missouri.
DeWitt C. Giddings.....Of Texas.
John P. C. Shanks.....Of Indiana.

COMMITTEE ON MILITARY AFFAIRS.

John Coburn.....Of Indiana.
William G. Donnan.....Of Iowa.
John B. Hawley.....Of Illinois.
Joseph R. Hawley.....Of Connecticut.
Lewis B. Gunckel.....Of Ohio.
Charles Albright.....Of Pennsylvania.
Clinton D. McDougall.....Of New York.
Jacob M. Thornburgh.....Of Tennessee.
James W. Nesmith.....Of Oregon.
Pierce M. B. Young.....Of Georgia.
Eppa Hunton.....Of Virginia.

COMMITTEE ON THE MILITIA.

Roderick R. Butler.....Of Tennessee.
John W. Hazelton.....Of New Jersey.
Oliver P. Snyder.....Of Arkansas.
Sobieski Ross.....Of Pennsylvania.
Lorenzo Crounse.....Of Nebraska.
Robert B. Elliott.....Of South Carolina.
Josiah T. Walls.....Of Florida.
John B. Storm.....Of Pennsylvania.
Joseph H. Sloss.....Of Alabama.
Frank Hereford.....Of West Virginia.
Philip Cook.....Of Georgia.

COMMITTEE ON THE DISTRICT OF COLUMBIA.

Robert S. Hale ..... Of New York.
Alfred C. Harmer ..... Of Pennsylvania.
Aylett R. Cotton ..... Of Iowa.
John B. Rice ..... Of Illinois.
Geo. W. Hendee ..... Of Vermont.
Amos Clark, jr ..... Of New Jersey.
Charles Pelham ..... Of Alabama.
James R. Lofland ..... Of Delaware.
Charles A. Eldredge ..... Of Wisconsin.
William H. Barnum ..... Of Connecticut.
James M. Leach ..... Of North Carolina.
Norton P. Chipman ..... Of Dist. of Col.
J. Marshall Hagans ..... Of West Virginia.

COMMITTEE ON THE JUDICIARY.

Benjamin F. Butler ..... Of Massachusetts.
Jeremiah M. Wilson ..... Of Indiana.
Luke P. Poland ..... Of Vermont.
Lyman Tremain ..... Of New York.
William P. Frye ..... Of Maine.
John Cessna ..... Of Pennsylvania.
Alexander White ..... Of Alabama.
Jasper D. Ward ..... Of Illinois.
Charles A. Eldredge ..... Of Wisconsin.
Clarkson N. Potter ..... Of New York.
Hugh J. Jewett ..... Of Ohio.

COMMITTEE ON PUBLIC EXPENDITURES.

Harrison E. Havens ..... Of Missouri.
Richard H. Whiteley ..... Of Georgia.
Hiram L. Richmond ..... Of Pennsylvania.
Austin F. Pike ..... Of New Hampshire.
David Wilber ..... Of New York.
William A. Smith ..... Of North Carolina.
Josiah W. Begole ..... Of Michigan.
William J. Hynes ..... Of Arkansas.
John B. Clark, jr ..... Of Missouri.
William M. Robbins ..... Of North Carolina.
John K. Luttrell ..... Of California.

COMMITTEE ON PRIVATE LAND-CLAIMS.

Jasper Packard ..... Of Indiana.
Benjamin T. Eames ..... Of Rhode Island.
Walter L. Sessions ..... Of New York.
Granville Barrere ..... Of Illinois.
Henry O. Pratt ..... Of Iowa.
George W. Hendee ..... Of Vermont.
James C. Freeman ..... Of Georgia.
John M. Bright ..... Of Tennessee.
Milton Sayler ..... Of Ohio.
David M. De Witt ..... Of New York.
Aylett H. Buckner ..... Of Missouri.

COMMITTEE ON NAVAL AFFAIRS.

Glenni W. Scofield ..... Of Pennsylvania.
Daniel W. Gooch ..... Of Massachusetts.
Charles Hays ..... Of Alabama.
James H. Platt, jr ..... Of Virginia.
Leonard Myers ..... Of Pennsylvania
Henry J. Scudder ..... Of New York.
John H. Burleigh ..... Of Maine.
William J. Purman ..... Of Florida.
Stevenson Archer ..... Of Maryland.
Washington C. Whitthorne ..... Of Tennessee.
Charles N. Lamison ..... Of Ohio.

COMMITTEE ON FOREIGN AFFAIRS.

Godlove S. Orth ..... Of Indiana.
Leonard Myers ..... Of Pennsylvania.
Charles W. Willard ..... Of Vermont.
E. Rockwood Hoar ..... Of Massachusetts.
Freeman Clarke ..... Of New York.
Marcus L. Ward ..... Of New Jersey.
William J. Albert ..... Of Maryland.
Charles G. Williams ..... Of Wisconsin.
James C. Robinson ..... Of Illinois.
Samuel S. Cox ..... Of New York.
Henry B. Banning ..... Of Ohio.

COMMITTEE ON THE TERRITORIES.

George C. McKee ..... Of Mississippi.
Carlton B. Curtis ..... Of Pennsylvania.
William Williams ..... Of Indiana.
Harrison E. Havens ..... Of Missouri.
George G. Hoskins ..... Of New York.
Lorenzo Crounse ..... Of Nebraska.
Greenbury L. Fort ..... Of Illinois.
William J. Hynes ..... Of Arkansas.
John G. Schumaker ..... Of New York.
John Young Brown ..... Of Kentucky.
Roger Q. Mills ..... Of Texas.
Jerome B. Chaffee ..... Of Colorado.

COMMITTEE ON REVOLUTIONARY PENSIONS AND WAR OF 1812.

Lazarus D. Shoemaker ..... Of Pennsylvania.
William E. Lansing ..... Of New York.
William P. Sprague ..... Of Ohio.
William B. Williams ..... Of Michigan.
George L. Smith ..... Of Louisiana.
William Crutchfield ..... Of Tennessee.
Richard P. Bland ..... Of Missouri.
John H. Caldwell ..... Of Alabama.
Robert B. Vance ..... Of North Carolina.
Morgan Rawls ..... Of Georgia.

COMMITTEE ON INVALID PENSIONS.

Jeremiah M. Rusk.....Of Wisconsin.
Alexander S. Wallace.....Of South Carolina.
Henry W. Barry.....Of Mississippi.
Ebenezer McJunkin.....Of Pennsylvania.
James S. Martin.....Of Illinois.
William B. Small.....Of New Hampshire.
John D. Young.....Of Kentucky.
Thomas T. Crittenden.....Of Missouri.
William J. O'Brien.....Of Maryland.
Christopher Y. Thomas.....Of Virginia.
James S. Smart.....Of New York.

COMMITTEE ON RAILWAYS AND CANALS.

George W. McCrary.....Of Iowa.
George F. Hoar.....Of Massachusetts.
Stephen A. Hurlbut.....Of Illinois.
Lyman K. Bass.....Of New York.
Isaac R. Sherwood.....Of Ohio.
Barbour Lewis.....Of Tennessee.
Alexander W. Taylor.....Of Pennsylvania.
J. Ambler Smith.....Of Virginia.
William E. Arthur.....Of Kentucky.
Simeon K. Wolfe.....Of Indiana.
William H. Stone.....Of Missouri.

COMMITTEE ON MINES AND MINING.

David P. Lowe.....Of Kansas.
James S. Negley.....Of Pennsylvania.
James Buffinton.....Of Massachusetts.
Jeremiah M. Rusk.....Of Wisconsin.
Jay A. Hubbell.....Of Michigan.
Horace F. Page.....Of California.
Christopher C. Sheats.....Of Alabama.
John R. Lynch.....Of Mississippi.
Chas. W. Kendall.....Of Nevada.
Milton I. Southard.....Of Ohio.
Henry R. Harris.....Of Georgia.

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Thomas T. Crittenden ..... Of Missouri.

JOINT SELECT COMMITTEE TO INQUIRE INTO AFFAIRS OF THE DISTRICT OF COLUMBIA.

On the part of the House.

Jeremiah M. Wilson ..... Of Indiana.
Jay A. Hubbell ..... Of Michigan.
Lyman K. Bass ..... Of New York.
Hugh J. Jewett ..... Of Ohio.
Robert Hamilton ..... Of New Jersey.

REGENTS OF THE SMITHSONIAN.

E. Rockwood Hoar ..... Of Massachusetts.
Samuel S. Cox ..... Of New York.
Gerry W. Hazelton ..... Of Wisconsin.

TRUSTEES FOR THE INSTITUTION FOR THE DEAF AND DUMB OF THE DISTRICT OF COLUMBIA.

Henry L. Dawes ..... Of Massachusetts.
William E. Niblack ..... Of Indiana.

SELECT COMMITTEE TO INQUIRE INTO THE CONDITION OF AFFAIRS IN THE STATE OF ARKANSAS.

Luke P. Poland ..... Of Vermont.
Jasper D. Ward ..... Of Illinois.
Stewart L. Woodford ..... Of New York.
Milton Sayler ..... Of Ohio.
Joseph H. Sloss ..... Of Alabama.

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43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 16.

WALNUT GROVE GOLD-MINING COMPANY.

[To accompany H. R. 63.]

MEMORIAL

OF THE

WALNUT GROVE GOLD-MINING COMPANY.

DECEMBER 8, 1873.—Referred to the Committee on Claims, and ordered to be printed.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Walnut Grove Gold-Mining Company of Arizona, by the undersigned, their trustees, respectfully represent: That during the years 1864, 1865, 1866, 1867, 1868, and 1869, they were engaged in business at the Bully Bueno mine, sixteen miles from Prescott, the capital of Arizona; that they invested large sums of money in the purchase of goods, supplies, machinery, and necessary outfit, wagon-trains, and in the employment of men in the erection of buildings for store-rooms, business-offices, dwelling-houses, mining-machinery, and in the purchase of material for said buildings, and in opening mines and working the same, amounting in the aggregate to $426,000.

Your memorialists were induced to engage in this enterprise by the officers of the United States Government, civil and military, and by the resident inhabitants, all of whom expressed a deep solicitude for the development of the country and the augmentation of the population and wealth.

Your memorialists were informed by the said officers and inhabitants that they could safely make said investments, and engage in said business, notwithstanding the previous unsettled condition of the country on account of repeated Indian depredations, as the country was at that time and would continue to be under the complete protection and control of the United States Army; the commanders of the troops voluntarily offering your memorialists, as an inducement to engage in this business, ample military protection, agreeing to erect a fort in the vicinity of and contiguous to these mines, to garrison the same, and to furnish guards for the defense and protection of your memoralists, their property and employés.

Your memorialists further state that, in the absence of said inducements and promises of ample military protection, they would not have made said investments, or any part thereof. They further state that, on account of the failure of said officers to fulfill said promises, repeatedly made, your memorialists lost, by depredations committed by

Apache Indians residing in Arizona, a large part of said property, a number of their employés were killed; and their business terminated on July 9th, 1869, completely destroying the enterprise in which your memorialists had been thus induced to engage.

Your memorialists further state that, in this connection, they reiterate their statement heretofore made December 27th, 1871, marked "N."

Your memorialists further state that, on the 2d day of January, 1873, they applied to the Department of the Interior for compensation for said losses, to which, under the laws of the United States and in justice, they believed they were entitled. The claim then submitted for adjudication was as follows, to wit:

Schedule of property belonging to the Walnut Grove Mining Company captured or destroyed by Apache Indians in Arizona.

1865.	
Aug. 1. At Navajo Springs, 26 mules, at $200	$5,200 00
Aug. 23. At Mule Creek, 12 mules, at $200	2,400 00
Sept. 2. At Bully Bueno mine, 23 beeves, at $40	920 00
Sept. 4. At Pine Flat, 8 mules, at $200	1,600 00
Sept. 4. At Pine Flat, 1 wagon	280 00
Sept. 14. At Hualapai Springs, 11 mules, at $200	2,200 00
Sept. 15. At Beall Springs, 5 mules, at $200	1,000 00
Oct. 4. At Bully Bueno mine, 2,300 pounds bacon, at 50 cents	1,150 00
Oct. 4. At Bully Bueno mine, 9 mules, at $200	1,800 00
Oct. 4. At Bully Bueno mine, 3 wagons, at $280	740 00
Oct. 4. At Bully Bueno mine, 23 sets of harness, at $30	790 00
Oct. 4. At Bully Bueno mine, 11 cases of boots, at $60	660 00
Oct. 4. At Bully Bueno mine, groceries and provisions	2,600 00
Oct. 4. At Bully Bueno mine, chemicals	1,200 00
Nov. 15 to December 15. In the vicinity of Prescott, 100 mules, at $200	20,000 00
1866.	
Feb. 9. 1 house burned at mine	1,200 00
Feb. 9. 7 wagons burned at mine, at $280	1,120 00
Feb. 9. 17 mules captured at mine, at $200	3,400 00
Feb. 9. Supply of provisions	1,600 00
Feb. 9 to March 1. On Mojave road, 19 mules, at $200	3,800 00
Oct. —. At Agua Frio, 40 mules, at $200	8,000 00
Oct. —. At Agua Frio, 4 wagons, at $280	1,120 00
Oct. —. At Agua Frio, merchandise	7,500 00
1867.	
Aug. —. At Bully Bueno mine, 73 mules, at $250	18,250 00
1868.	
Mar. 2. On Hassayampa Creek, 11 horses, at $100	1,100 00
1869.	
July 9. 20-stamp quartz-mill burned	118,000 00
July 9. Saw-mill burned	17,000 00
July 9. 1 house burned	11,000 00
July 9. 3 houses burned, at $5,000	15,000 00
July 9. 2 houses burned, at $3,000	6,000 00
July 9. Stock of goods and provisions	32,000 00
July 9. Chemicals and assaying apparatus	12,000 00
July 9. 7 mules and horses, at $100	700 00
July 9. Household furniture	2,000 00
Total	303,330 00
From this amount, however, there should be a deduction for those parts of the mill and machinery that have been saved, as stated in letter of September 11, 1869, of I. C. Curtis, herewith, to wit	10,530 00
Leaving a balance of	292,800 00

In connection with and in support of this claim for compensation your memorialists submitted to said Department such proof as was at the time attainable, a copy of which is hereto appended, marked A to M, inclusive. After a thorough examination of this claim and the evidence then submitted, Hon. B. R. Cowen, acting Secretary of the

Interior, on the 14th day of January, 1873, reported the case with the testimony to the House of Representatives, recommending "that it receive the favorable consideration of Congress." Said report, and that of the Commissioner of Indian Affairs, are hereto appended, Nos. 1 and 2.

Your memorialists further state that at the date of the presentation of their said claim to the Department of the Interior for settlement, they were unable to make a complete and satisfactory statement of their said several losses as aforesaid, on account of the destruction of their books and papers by fire when their said property was burned by said Indians, and their inability to find many of their employés, who had left Arizona for different parts of the country, their whereabouts unknown to your memorialists, and their inability to avail themselves of the evidence of other parties cognizant of the facts. They have since learned that they greatly understated the actual value of the property thus destroyed, for example, the claim for mules captured and killed, at the average value of $200, whereas your memorialists have since learned their actual cost at the several places of purchase to be as follows: 100 mules bought of S. S. Grant, at Saint Louis, December 7th, 1864, at $200 each, and January 26th, 1865, 168 mules, at $250 each; 6 mules bought of Samuel Bartlett, at Denver, Colorado, at $250 each; 72 mules bought of Harvey Boren, at San Bernardino, California, at $250 each in gold, and 46 mules bought of Dr. Clark, at Los Angeles, California, at $200 each in gold.

The values of merchandise, provisions, chemicals, tools, &c., are stated at the original wholesale cash price in Philadelphia, Saint Louis, Denver, and San Francisco, where they were purchased. Your memorialists, however, are justly entitled to the actual value thereof at the places where the same were destroyed or taken.

This standard of value has been adopted by the Department of the Interior in the adjustment of claims. (See rule 4 of regulations hereto attached, marked "No. 3."). According to this just and equitable standard of valuation your memorialists' claim is as follows:

In the item of mules lost, the whole amount claimed, $67,650, is less than cost, whereas the amount for which we could have sold said mules, $400 each, in Arizona, and which we were offered, would be $128,000, for which we would be entitled to recover, under rule 4 above cited, an additional amount of $60,350.

In the item of wagons, we paid L. Espenschirtt, in Saint Louis, $280 each, and claimed for them $280 each, when they would have sold readily for $500 each in Arizona. Under rule 4 we would be entitled to an additional amount of $3,300. In the item of bacon, bought in Denver at 50 cents per pound, as stated, it should, under rule 4, be charged at $1 per pound, the selling price at Prescott, making a difference in favor of your memorialists of $1,150.

The harness is charged at $30 per set, the cost price at Moyer & Brother's, Philadelphia, where purchased; was worth, where destroyed, $75 per set, making a difference in our favor of $1,075.

The item of eleven cases boots, $60 per case, their cost price in Philadelphia, would have readily sold, where destroyed, at $1.44 per case, making a difference in our favor, under said rule, of $924.

Groceries and provisions are estimated at cost where purchased, $36,200; whereas they would have sold at the time and place they were destroyed or captured for at least double their cost, making a difference in our favor, under said rule, of $36,200. In the item of chemicals, $1,200 is charged, which were worth at least $3,000 when destroyed, a difference in our favor of $1,800. The item of merchandise destroyed

at Agua Frio, for which is charged $7,500, we have since ascertained cost us in San Francisco, where purchased, $10,000, and were worth, when destroyed, at least $20,000; so that in this item we are entitled, under said rule, to $12,500 additional—making in all $117,299 in excess of what is already stated as our claim.

The amount of our losses sustained should therefore be stated at $410,099 instead of $292,800.

In relation to the points of objection raised in the reports of the acting Commissioner of Indian Affairs and Secretary of the Interior, above referred to, your memorialists beg leave to state:

1st. That they were unable to present their claim for adjustment within three years from the date of said depredations as required by the law cited by them, on account of the unsettled condition of the country, the destruction of their books and papers, and the dispersion of their employés to parts unknown, and also on account of there being no officer in Arizona before whom their claims could have been presented within the time specified.

2d. The objection raised as to the allowance of $32,000 for stock of goods and provisions being "without the support of sufficient proof," your memorialists believe is now removed by the introduction of the affidavit of Edward Hoopes, hereto appended and marked "R," and reference to the affidavits of G. H. Vickroy, marked "A," Thomas H. Gibbons, marked "D," and E. W. Coffin, marked "F."

The Commissioner's second point of objection is to the allowance of $118,000 for 20-stamp quartz-mill burned, and a doubt suggested by him as to the real value of that particular piece of property. We will state that in addition to the $77,000 referred to by him as the amount expended by Mr. Vickroy, our first superintendent, we subsequently furnished him the following sums, which were expended in prosecuting our said enterprise:

January, 1864.—Clark & Stone, Leavenworth	$12,000
April, 1865.—Kuntz Brothers, Denver	5,000
October, 1865.—James Tuttle, Prescott	8,700
Febr'y, 1866.—W. H. Hardy, Hardyville	10,000
June, 1866.—Hickox & Spear, San Francisco	14,700
Febr'y, 1867.—From company in Philadelphia	12,000
Febr'y, 1868.—Hickox & Spear, San Francisco	30,000
	92,400
Add to this the first amount furnished	77,000
Making in all furnished Vickroy	169,400

In addition to this amount the additional sum of $127,750 was furnished by us to E. W. Coffin, while he was superintendent for us. (See affidavit marked "S.) The Commissioner's objection to the charges for houses destroyed, and which he regards "as exorbitant and not sufficiently supported by proof," it is believed by your memorialists is removed by the additional proof now submitted, to wit, the affidavits of W. M. Jensen, marked "T," and John B. Slack, marked "W."

The Commissioner's objection to other charges which he says "should have been itemized, or an invoice of the same furnished," your memorialists believe ought not to be regarded as conclusive against them on that account.

The impossibility of furnishing an itemized account or invoice of such property, suddenly destroyed without notice or warning by the incendiaries, consisting in part of goods, wares, and merchandise in store, which were being depleted by sales and replenished by purchases from time

to time, after the complete destruction of their books and papers, will readily be seen.

Your memorialists, therefore, think it would be a grievous hardship to be compelled to lose the value, amounting to a large sum in the aggregate, on account of the impossibility of procuring such invoice or itemized account, when they are able to present, as they have done and now do, the best attainable evidence showing the aggregate value with reasonable certainty.

Your memorialists further state that at the time of all said depredations referred to they were lawfully within the limits of the Territory of Arizona and its organized counties, or traveling along its public highways, and that their property and works enumerated and referred to were not situated upon any Indian land or reservation, and that the said Indians were at amity with the United States.

Your memorialists further state that they committed no offense against the said Indians or in any way gave cause for molestation; that they used more than ordinary care and diligence in guarding their property, and that the said losses were not on account of any neglect, carelessness, or fault of your memorialists or persons in charge of said property.

Your memorialists further state that they never have, directly or indirectly, sought or attempted to obtain private satisfaction or revenge from the said Indians, nor have they ever obtained compensation for the said damage sustained by reason of said depredations, nor any part thereof.

In further support of their claim, your memorialists submit the affidavit of Hon. John S. Watts, marked "No. 4," inclosing letter of General James H. Carleton, heretofore referred to, and also affidavits of B. F. Akers, marked "U," and of B. C. Peterson, marked "V."

Your memorialists submit that great importance should be given to General Carleton's letter, above referred to, guaranteeing protection, from the fact that he exercised supreme control over that whole country, and was the recognized authority there. He made war and peace with Indian tribes, built military posts and forts, and carried on the whole machinery of the civil and military government, and this letter was consistent with his whole administration while in command of New Mexico and Arizona, every act of which was indorsed and approved by the General Government; and therefore they submit that in justice and equity they should be reimbursed the amount of losses sustained, and therefore pray your honorable bodies to reimburse the said company for the losses sustained on account of the said Indian depredations.

And now come the undersigned, J. Gillingham Fell, Edward Hoopes, and George Burnham, trustees of the Walnut Grove Gold-Mining Company of Arizona, and upon their oath state that the matters and things in the above memorial to Congress, in behalf of the said company, so far as stated from their own knowledge, are true in substance and fact; and so far as stated from information of others they believe them to be true.

J. G. FELL.
GEORGE BURNHAM.
EDWARD HOOPES.

Before me, the subscribed, a notary public for the Commonwealth of Pennsylvania, residing in the city of Philadelphia, personally appeared J. Gillingham Fell, above named, who, being duly affirmed according to law, did depose and say that the statement to which he had subscribed was just and true as he verily believes.

Subscribed and affirmed before me this 12th day of August, A. D. 1873.
[SEAL.] JNO. A. BELL,
Notary Public.

COMMONWEALTH OF PENNSYLVANIA,
City of Philadelphia, ss:

Personally appeared before the subscriber, a notary public of the Commonwealth of Pennsylvania, residing in the city of Philadelphia, the within-named George Burnham and Edward Hoopes, and who, on being severally affirmed according to law, say that the above statements subscribed to by them are just and true according to their best knowledge in the premises.

Witness my hand and official seal this 13th day of August, 1873.
[SEAL.] ROBERT HUTCHINSON,
Notary Public.

No. 1.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 14, 1873.

SIR: I have the honor to transmit herewith, as required by the seventh section of the act making appropriations for the Indian Department, approved May 29, 1872, the claim of the Walnut Grove Mining Company, of Arizona, amounting to $292,800, on account of depredations committed by Apache Indians between August 1, 1865, and July 9, 1869.

The seventeenth section of the trade and intercourse act of the 30th of June, 1834, requires that application for compensation for depredations shall be made to the proper superintendent, agent, or sub-agent, within three years after the commission of the injury, or otherwise the claim shall be barred.

The peculiar condition of affairs in Arizona, it is alleged, prevented a compliance with the requirements of said section.

From an examination of the papers, this Department is satisfied that the claim possesses merit, and it is respectfully submitted with the recommendation that it receive the favorable consideration of Congress.

Very respectfully, &c.,

B. R. COWEN,
Acting Secretary.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

No. 2.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 7, 1873.

SIR: I have the honor to acknowledge the receipt, by reference from the Department, on the 2d instant, of a letter from George H. Vickroy, dated 2d ultimo, submitting a claim of the Walnut Grove Mining Company, of Arizona Territory, on account of depredations alleged to have been committed by Apache Indians at various times, from August, 1865, to July 9, 1869, the loss being stated at $292,800.

The papers in the case have been carefully examined in this office, and the conclusion reached that the claim is not without merit, is justified, it is thought, by the sworn statements of parties who were identified with the operations of the company as employés, and who were personally cognizant, in most instances, of the facts stated by them. What amount of loss the company actually sustained by the direct acts of the Indians is a question difficult of satisfactory reply or determination. The depredations were numerous, and the task of harmonizing the evidence of different parties, as to the particular facts in each and every instance, seems to be impracticable, especially with reference to the loss of mules or "animals." Some of the items in the claim, such as "stock of goods and provisions, $32,000," are without the support of sufficient proof, and in others the valuation is manifestly excessive. It will be seen by the testimony of G. H. Vickroy, the first superintendent of the company, that the outfit pur-

chased by him, consisting of a 20-stamp quartz-mill, 40 horse-power engine, 26 wagons, 268 mules and harness, provisions, tools, "&c.," cost about $77,000. With this amount much material apparently is procured. Referring to the schedule of property, (accompanying the claim,) which, it is alleged, was either captured or destroyed by the Indians, it will be observed that the item of "20-stamp quartz-mill burned" is for the sum of $118,000. A reasonable doubt arises as to this being the real value of that particular piece of property, for the presumption is that the machinery in the mill was the most important part of it, the cost of which may be estimated by taking Mr. Vickroy's statement as to the $77,000 expended for quartz-mill and other property, and by allowing for costs of transportation. The charges for houses destroyed are regarded as exorbitant and without support of sufficient proof; and other charges, which should have been itemized, or an invoice of the same furnished, are deemed to be inadmissible, from the fact that they are not so itemized; in addition, they are not well sustained by proof.

I respectfully submit that the allegation of the depredations having been committed, as set forth in the claim, is sufficiently proven, and recommend that the case be submitted to Congress for its action. In this connection it is proper to remark, that, under the limitation provided in the seventeenth section of the law of June 30, 1834, in regard to claims for depredations by Indians, the claim under consideration, not having been presented within three years, is barred.

The letter of Mr. Vickroy, and papers submitted by him, are herewith returned.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

Hon. B. R. COWEN,
Acting Secretary of the Interior.

No. 3.

4. When the application, documents, and proofs shall be received by the superintendent of Indian affairs, Indian agent, or sub-agent, said officer shall carefully investigate the case; shall ascertain, by inquiry of reliable persons, from advertised prices, or otherwise, whether the prices fixed by the claimant upon the articles of property mentioned in the claim are just and fair as compared with the market prices ruling at the time in the State or Territory in which the depredation was committed, with due allowance for enhancement of price by reason of transportation; and, where it is possible to procure it, said officer shall, if deemed advisable, take testimony as to the credibility of the claimant, or of any person testifying in his behalf; and also respecting the statement set forth in the application, documents, and proofs submitted by the claimant. Upon the performance of this duty, the superintendent, Indian agent, or sub-agent will, without unnecessary delay, present the case to the proper nation or tribe assembled in council, according to the custom of such nation or tribe, and after fully explaining it to them, he will then and there demand satisfaction for the claimant. If within a resonable time the nation or tribe shall not have complied with such demand, the fact of the depredation by some of their people being admitted in such council, or if they deny the charge as made and peremptorily refuse to render any satisfaction, the superintendent, agent, or sub-agent will in such case submit a report of the proceedings had, together with all the papers, to the Commissioner of Indian Affairs. Such report shall state whether the Indians in council recognized, remembered, and admitted the depredation charged; and if so, how far, and with what particularity the allegations of the claimant respecting such depredations were borne out by the recollections and acknowledgments of the Indians in reference thereto.

5. The Commissioner of Indian Affairs will cause all claims received by him as above noticed to be duly registered and filed in his office, and shall, as soon thereafter as practicable, cause the same to be carefully examined, and then forwarded, with a report of his views and opinion in each case, to the Secretary of the Interior for the action of the Department.

C. DELANO, *Secretary.*

DEPARTMENT OF THE INTERIOR, *July* 13, 1872.

No. 4.

UNITED STATES OF AMERICA,
District of Columbia:

I, John S. Watts, a resident of Santa Fé, Territory of New Mexico, since 20th June, A. D. 1851, by occupation an attorney and counselor-at-law, and fifty-six years of age,

upon my oath state: That I was well acquainted with the situation and government of the Territory of New Mexico, and those invested with supreme military command of the Department of New Mexico. Upon the entrance of General James H. Carleton into New Mexico, the confederate troops having retreated from New Mexico, the Department of New Mexico, then including Arizona, and El Paso County, Texas, was placed under the command of Brigadier-General James H. Carleton, and martial law was enforced in said department by General J. H. Carleton as it had been by his predecessor, General Canby, and military authority was supreme in New Mexico during the time of the war of the rebellion and while General J. H. Carleton was in command of said department.

I further state, that under date of July 11th, 1864, when General J. H. Carleton addressed George H. Vickroy on the subject of protection to his proposed purchase and transportation to Arizona, near Prescott, of a quartz-mill and engine and mining supplies, he was then the military commander of the Department of New Mexico, including Arizona, New Mexico, and El Paso County, Texas; and I should have regarded the letter of General James H. Carleton, a copy of which is hereto attached, marked as Exhibit A, as a full and sufficient stipulation for the secure and efficient protection of my life and property, should I have engaged in a mining venture such as was undertaken by the Walnut Grove Mining Company, under the superintendency of George H. Vickroy, and should have felt that, on arriving at my destination in Arizona and on the route there, that the fullest and most perfect protection would attend such an important, expensive, and useful enterprise. And further saith not.

JOHN S. WATTS.

DISTRICT OF COLUMBIA,
County of Washington, ss:

Sworn to and subscribed before me, this 26th day of February, 1873.

[SEAL] JAMES A. TAIT,
Notary Public.

Copy of General J. H. Carleton's letter.

HEADQUARTERS, DEPARTMENT OF NEW MEXICO,
Santa Fé, N. M., July 11, 1864.

GEORGE H. VICKROY, Esq.:

MY DEAR SIR: In answer to your verbal question as to the safety of carrying on mining operations hereafter in Arizona, I will say I have already inaugurated a campaign against the Apache Indians that will result in their complete subjugation, and should you induce friends in the East to join you in erecting a quartz-mill in the newly discovered gold-regions near Fort Whipple, the enterprise will be fully protected by the military. I am well assured that building a quartz-mill there, and developing some one of the rich mines, will result in such benefit to the Government as to amply compensate for the protection given.

I have the honor to be, very respectfully,

JAMES H. CARLETON,
Brigadier-General, Commanding.

WASHINGTON, D. C., *December* 2, 1872.

SIR: I have the honor to submit the following sworn statement and accompanying evidence concerning the claim of the Walnut Grove Gold-Mining Company, of Arizona, in accordance with the rules and regulations prescribed by you, July 13, 1872, under the terms of the seventh section of the act of Congress making appropriations for the Indian Department, approved May 29, 1872. By reference to affidavits marked A, B, C, D, E, F, G, H, I, K, L, and M, and the statement of the trustees of said company marked N, and schedule of property destroyed and stolen marked O, and letters marked P and Q, you will see that the last loss sustained by our company was prior to the time within which the above-mentioned rules and regulations require such claims to be presented to the superintendent, agent, or sub-agent, for indemnity.

The depredations were committed between August 1, 1865, and July 9, 1869, and were committed by different bands of Apaches and at different times and places.

At the time these losses were sustained by us there was no superintendent of Indian affairs, agent, or sub-agent, having jurisdiction or charge of the nation, tribe, or band to which these depredators belonged.

Although the Indians who committed these depredations are now within the presumed jurisdiction of the United States superintendent of Indian affairs, they are not within the actual jurisdiction or charge of any superintendent, agent, or sub-agent,

and it is therefore impossible for any such officers to investigate this case, or to present the case to the nation, tribe, or band assembled in council, or otherwise, as prescribed by section 4 of said rules and regulations.

The depredations were committed within the Territory of Arizona, and not upon any Indian lands or reservations.

I therefore most respectfully submit this case to your favorable consideration, and ask that you transmit the same to Congress, with such recommendation as, in your judgment, the evidence justifies.

I have the honor to be, very respectfully, your obedient servant,

GEO. H. VICKROY,
Superintendent.

Subscribed and sworn before me, this 2d day of December, 1872.

[SEAL.] J. McKENNEY,
Notary Public.

A.

Statement of George H. Vickroy.

I went to Arizona in 1863, and engaged in mining. During the next year I secured several valuable mines, and was much urged and encouraged to bring a mill and the necessary machinery to develop them, as at this time there was no mill in the Territory. Needing more capital to render the enterprise successful, I started East to procure it; but as the settlers in that section were constantly harassed by the Indians, I determined that it would be dangerous to risk much money there unless I could obtain some guarantee of military protection.

In July, 1864, with a view to obtain information on this point, I found General James H. Carleton (then in command of New Mexico and Arizona) at Santa Fé, who, in response to my request, addressed to me a communication, saying that he had inaugurated a campaign against the Apache Indians, which would result in their complete subjugation, and stated that if I succeeded in obtaining a quartz-mill for Arizona, the enterprise should be protected. With this ample assurance, I went to Philadelphia and negotiated with a number of gentlemen, who organized a company under the name of the "Walnut Grove Gold-Mining Company." Of this company I was made the general superintendent.

The company raised the sum of $77,000 at that time, with which I was instructed to purchase a 20-stamp quartz-mill, a 40 horse-power engine, 26 wagons, 268 mules, and harness, provisions, tools, &c., which about absorbed that amount.

My train being ready, on the 28th of February, 1865, I started from Leavenworth City, Kans., having with me thirty-five men.

About August 1 we were attacked at Navajo Springs, in Arizona, and lost twenty-six mules. The train reached Prescott about September 1, 1865. Arizona had been transferred to the Department of the Pacific during my absence, and General Mason was then in command of the district. He gave me every assurance of military protection. My mill was the first in the Territory, and the whole community, as well as the civil and military authorities, were anxious to see it erected and in operation. I decided to put the mill on the Bully Bueno mine. General Mason gave me twenty-one soldiers to escort the train to the mine. The day after they joined the train the Indians attacked us, killed one man, and captured twelve mules. We were about two weeks in reaching the Bully Bueno mine, and had some fighting with these Indians every day.

About the 1st of September, 1865, we reached the mine and unloaded. On that day the Indians captured our entire beef-herd of twenty-two head of cattle. The next day the empty train started for Prescott, the escort accompanying it. When one mile from the mine, at Pine Flat, the Indians attacked us, killed one teamster, captured eight mules, and burned one wagon. The train reached Prescott, where the military escort was withdrawn. The train was then *en route* for Fort Mojave for feed. I applied for an escort, but was refused because of the scarcity of men.

On the road to Mojave the train was attacked at Hualapai Springs, where the Indians captured eleven mules. The next day, at Beall Springs, the Indians captured four mules and one horse. I loaded the train at Fort Mojave with barley and returned to Prescott.

On the military reservation at Fort Whipple we lost seven mules while unloading the train, and while in Camp Prescott, within two weeks of this time, we had about one hundred mules stolen by the Indians, but I cannot give the exact dates or the number taken each time an attack was made, but we lost about one hundred mules between November 15 and December 15, 1865.

At the mine I had started eleven men at work on the mill, who were attacked on the afternoon of October 4 and driven off. Some took refuge at Walnut Grove, and

others at Prescott. I then employed a larger force, and again applied for troops to be stationed at the mill during that winter, as but few men could be engaged for that purpose, owing to the extreme danger, at that time, from the Indians.

During that winter we had about fifty mules stolen from the mills by the Indians, while our teams, which were freighting on the road from the Colorado River to Prescott, were frequently attacked by them and lost wagons and mules.

From the time I reached Arizona in September, 1865, until March, 1866, the Indians captured, in all, two hundred and seven mules, which had cost from $200 to $250 each, in Missouri.

On the 9th of February the Indians attacked our camp at Bully Bueno, drove off the men, killed two, and wounded one. General Mason sent over a surgeon and a company of troops, who remained about one week and were withdrawn. I then increased our force to about forty men and left them, coming to Philadelphia in May, 1866, and returned to Arizona about August 1.

During my absence the Indians had captured about twenty head of animals. In October, 1866, I sent from San Pedro, Cal., a train loaded with provisions, which was captured by the Indians at Agua Frio, ten miles from the Bully Bueno mine. Five teamsters were killed and about forty animals taken.

In November, 1866, I went to Philadelphia, and as all efforts to have a military camp established at our mill had failed, I went to see General Grant at Washington, to whom I represented our situation, and who promised to instruct General McDowell (then commanding the Department of the Pacific) to extend such aid to us as was possible, and to establish a military camp at our mill. This was never done. During my absence at this period Maj. E. W. Coffin was superintendent of the company's operations in Arizona.

At Los Angeles, Cal., in June, 1867, I bought about seventy head of mules and horses and six wagons, and loaded them with provisions and merchandise, and started them for Prescott. The train had trouble with the Indians all the way, and reached the mine after losing a number of animals. The day after their arrival the Indians captured every animal belonging to the company, and killed the herders. This caused a total suspension of operations, as we could purchase no teams in Arizona at that time. Major Coffin abandoned the enterprise and returned to Philadelphia, I having in the mean time remained in San Francisco.

On hearing of this disaster I at once went to Prescott, and applied to General Gregg for soldiers to protect the property, but without result. I employed a force of men to guard the mill, and left them there during that winter, and came to Philadelphia.

During the following March, 1868, I returned to Prescott, and as the men I had left were unwilling to remain longer, I made an application to General Devin (then commanding the district) for soldiers, representing that I could not secure an adequate force of men to protect the property. He could spare no soldiers, so I employed thirteen men, which were all I could obtain for that purpose, and left the mill in their charge. We had about eleven head of mules and horses stolen by the Indians about this time, March 2, 1868, on the Hassayampa, while *en route* to Wickenburgh. The Indian troubles now became so great that we could not carry on operations, and our only object was to guard the property from destruction. These men remained in charge until July 9, 1869, when a large force of Indians attacked the premises and burned the mill, store-house, saw-mill, superintendent's house, boarding-house, blacksmith and carpenter shops, and stables, destroying the machinery, tools, and supplies, together with all of the books, papers, and accounts.

The expense incurred by the company up to this time had amounted to $292,800. I was their general superintendent from the time of its organization up to the time of the destruction of the mill.

I am well assured that this enterprise would have never been undertaken had it not been for the military protection which was promised, and I am satisfied that if that protection had been afforded my operations in behalf of the company would have been entirely successful.

GEO. H. VICKROY.

Subscribed and sworn to before me, January 6, 1872.
[SEAL.] R. J. MEIGS, *Clerk.*
By R. J. MEIGS, JR., *Assistant Clerk.*

B.

Affidavit of James A. Flanagan.

I, James A. Flanagan, of Johnstown, Pennsylvania, being thirty-five years of age, upon being duly sworn, depose and say, I assumed the superintendence of the

Bully Bueno mine and mill, situated on Turkey Creek, within sixteen miles of Prescott, Arizona, on the 15th day of March, A. D. 1868. At that time the Indians were very hostile, daily committing depredations in that vicinity. I applied to General Devin, commanding that district, for military protection, as there was a large amount of valuable property at the mill, and I could not employ a sufficient number of citizens to protect it, owing to the extreme danger of Indians. General Devin frequently told me he was well aware of the necessity of a stronger guard at the mill, but being short of men, could not spare any soldiers, but promised from time to time to send me an adequate guard, so soon as he could possibly spare troops from Fort Whipple. I made, through Capt. J. P. Hargrave, of Prescott, the company's attorney, frequent applications to the commander of the district for military protection, as the danger became more imminent. I kept at the mill as strong a force of citizens as I could possibly employ all the time. The working force at the mill and mine was from forty to seventy men. On the 9th day of July, 1869, the Indians attacked the premises in force, and compelled us to abandon the place and seek refuge at Prescott, sixteen miles distant, the nearest military post, after which they burned the buildings, consisting of a mill-building, 160 by 200 feet square, a saw-mill and building, carpenter-shop, blacksmith-shop, store-house, boarding-house, superintendent's house, and all the merchandise and provisions; also the wagons, harness, tools, &c. These buildings were all large fine houses. Nothing whatever escaped destruction in this attack which could be burned except what merchandise and stock the Indians carried off. I had entire superintendence of the books and accounts during this time, which were all burned. The company had expended in this enterprise a fraction over $292,000. The Bully Bueno mine is one of the best on the Pacific coast, and would if worked yield a very large product of gold. The mine is well opened and developed, and will furnish an inexhaustible amount of rich pay rock. This was the principal mining enterprise in Arizona, and its destruction was a calamity to the whole Territory.

JAMES A. FLANAGAN.

Subscribed and sworn to before me, at Johnstown, Pennsylvania, this thirtieth day of October, A. D. one thousand eight hundred and seventy-one.

[SEAL.] GEORGE T. SWENCK,
Prothonotary of District Court of Cambria County.

C.

Affidavit of A. H. Boomer.

The undersigned, A. H. Boomer; am thirty-seven years old. I was employed by G. H. Vickroy as wagon-master in February, 1865, to take a mule-train, consisting of twenty-six wagons hauled by ten mules each. I arrived at Prescott, Ariz., in August, 1865, with the train, and was furnished by General Mason, then commanding that district, a military escort, who remained with the train about two weeks, and until I arrived at the Bully Bueno mine, during which time we were attacked three times by Indians. The wagons under my charge were loaded with a 20-stamp quartz-mill weighing 96,000 pounds, and about 60,000 pounds of tools, provisions, &c. After unloading the train I was directed by the superintendent of the company to go to Fort Mojave, one hundred and sixty miles distant, for barley, and applied at Fort Whipple for a military escort, but was unable to procure one. On my way to Fort Mojave was attacked twice by Hualapai Indians in large force, and lost fifty-seven mules and two horses, and was compelled to abandon four wagons. We struggled along through the winter, making every effort to erect the mill and haul in feed and supplies, but every team stationed at the mill was run off by Indians, and in March, 1866, Mr. Vickroy, the superintendent, became discouraged, and as he could neither employ citizens to protect the property, nor obtain military protection, I was directed to take the train to California, consisting then of only six wagons and fifty-three mules, the balance all having been captured by the Indians. Mr. Vickroy overtook me on the road in California, accompanied by four of the men who had been employed guarding the property at the mine, and reported that the Indians had attacked the premises, driving off the force of eleven men and killing four, and burning the two houses. We sold the remainder of the train to William H. Hardy, and Mr. Vickroy and myself came to New York.

ALEXANDER H. BOOMER.

Sworn to and subscribed before me, this 27th day of November, 1871.

[SEAL.] JOSEPH BROWNE,
Clerk of Court.

D.

Affidavit of Thomas H. Gibbons.

The undersigned, Thomas H. Gibbons, whose residence is Elgin, Illinois, testifies as follows: I was employed by G. H. Vickroy, at Denver, Colo., in May, 1865, to go to Arizona with the quartz-mill belonging to a Philadelphia company known at that time as the Walnut Grove Gold-Mining Company, as book-keeper. I joined the mule-train, consisting of twenty-six wagons, at Grey's Ranch, in Colorado, and traveled with the train to the Bully Bueno mine, situated sixteen miles from Prescott, Ariz.. The first attack made upon the train by Indians was at Navajo Springs. A large force of mounted Indians attacked the herd while grazing a mile from the wagons, but in plain sight, while we were eating dinner, drove off the six Mexican herders, captured nineteen mules and killed seven. This was about the 1st of August, 1865. We reached camp, six miles below Prescott, about September 1, 1865. There General Mason sent the train an escort of twenty-one men. We then proceeded on across the mountain to the Bully Bueno, which took about two weeks, as we had to build a road. At Mule Creek, seven miles from the Bully Bueno, about September 10, the Indians made an attack, killing one teamster and stealing twelve mules. The day we reached the mine, about September 21, the beef-herd, consisting of about twenty cattle, was taken, and on the next day, as the train was going back to Prescott, they captured an eight-mule team and burned the wagon, at Pine Flat, one mile from the mill. Our military escort went back to Fort Whipple at this time. Eleven men were left at the mill, which was in course of erection, who were driven off by Indians about October 4. We employed another and stronger force composed mostly of the teamsters who came through from the Missouri River with the train. We applied for soldiers to assist in guarding the mill, but could get none, as General Mason was carrying on a very vigorous campaign against the Indians that winter, and could not spare any men, but promised to protect us by spring. In January, 1866, Mr. Vickroy left me in charge, as he had to go to Philadelphia. Up to this time I had been in the office of the company in Prescott. I then employed five more men, deeming the force at the mill too small to protect it, and went there myself. I employed every man I could hire to go to the mine. On the 9th of February, 1866, a large force of Indians, probably two hundred, attacked the men, who were quartered in two houses, killed one man and wounded two others, one fatally, took seven mules and three horses from the stable, and burned one of the houses. The men retreated to Prescott, where I had gone the day before on business. I applied to the post for aid, and the commander sent a surgeon and a company of troops to the mill, but they did not remain a week. This was the second and last assistance the company ever got from the military while I was in the country. I then employed about twenty more men who had just come in from Montana. In August, 1866, Mr. Vickroy returned with Maj. E. W. Coffin, who took charge of the enterprise and sent me to California for a load of provisions, mining-materials, &c. I bought about $10,000 worth, and with seven teams, of ten mules each, started from San Pedro about October 1, 1866. At Fort Rock, seventy miles from Prescott, we were attacked by not less than a hundred and fifty Indians and lost thirteen mules. We had trouble every day then, until, within ten miles of the mine, the Indians killed four teamsters and took all the stock. I then remained at the mine a year longer. In the August following, (1867,) Major Coffin, who had been to Philadelphia, came in with a fine mule-train. The day after the train arrived at the mill the Indians killed one herder and captured every mule and horse belonging to the company. We were all ready to go to crushing ore at that time and everything looked promising. We then had a force of about seventy men, nearly all of whom had been there a year. The loss of the stock made it impossible to do anything that winter, and as Major Coffin had made many applications for troops to no purpose, he gave up the enterprise and went to Philadelphia, leaving twelve or fifteen men to guard the property. I came to Illinois that fall, where I have remained ever since. I have spent ten years in gold mines, and at one time had a mill in Colorado, and feel sure that had it not been for Indians the Bully Bueno, which is the best mine I have ever seen, would have been a great success. I kept all the accounts for two years and know that the company spent over $290,000 upon this enterprise. I have frequently heard and seen it stated in several newspapers that the mill and all the buildings were burned by Indians in July, 1869.

THOS. H. GIBBONS.

Sworn to and subscribed before me, this 7th day of December, 1871.

JOHN G. GINDELE,
Clerk County Court of Cook County, Illinois.

E.

Affidavit of Thomas Rich.

Deponent is thirty-four years old; born at Milwaukee, Wisconsin; resides at 1628 Halstead street, Chicago. I was employed at Leavenworth City, Kans., on the 17th of January 1865, by G. H. Vickroy, superintendent of the Walnut Grove Gold-Mining Company, and remained in their employ until August, 1869. We left Leavenworth on the 23d February, 1865, with a mule-train consisting of twenty-six ten-mule teams. About the 1st of August, 1865, at Navajo Springs, Ariz., the train was attacked by Indians, resulting in the loss of twenty-six mules. At the Point of Rocks, six miles from Prescott, a military escort of twenty-one men joined the train. We were attacked several times by the Indians, and had one teamster killed and twelve mules stolen between there and Bully Bueno mine. We there unloaded the machinery and merchandise. On the way back to Prescott the Indians captured one wagon and team of eight mules. About the 1st of November, 1865, we started for Fort Mojave, to bring in a load of feed and supplies. I went with the wagon-master, A. H. Boomer, to the commander of the post at Fort Whipple for a military escort, which was refused us. At Hualapai Springs the Indians attacked us and captured eleven loose mules. At Beall Springs we were again attacked, losing four mules and one horse. We returned with the train to Prescott about the middle of December, 1865. We again applied for a military escort and were again refused. The train went back to Fort Mojave. I was in Prescott when the first party was driven away from the mill at the Bully Bueno mine, about the 4th October, 1865. I was at the Bully Bueno on the 9th February, 1866, when the Indians drove us off and killed two of our party and burned one of the houses. I was with Thomas H. Gibbons about the 20th of October, 1866, at Fort Rock, when the Indians attacked a train of six wagons, which the company had sent in from San Pedro, California. In that fight we lost thirteen mules and had one man fatally wounded. Gibbons and I left the train at Prescott, and went across the mountain to the mill by the trail. The train went round by the wagon-road, and was all captured and five men killed when within ten miles of the Bully Bueno. There were seven fine buildings erected at the mine, a mill building, 160 by 200 feet, a saw-mill, a blacksmith and carpenter shop, a store-house, and three dwelling-houses. I was there in August, 1867, when Major Coffin came in from California with a mule-train of about sixty mules, which were all captured by the Indians the day after his arrival. While I was in Arizona the Indians killed seventeen men employed by the company, and captured or killed about two hundred mules, and burned about ten wagons belonging to the company. On the night of the 9th of July, 1869, the Indians attacked the premises, then in charge of James A. Flanagan, and drove off the entire force and burned every building at the place, together with all the wagons, out-buildings, lumber, &c.

I have had several years' experience in the gold mines of Colorado, New Mexico, and Arizona. I think $300,000 is a low estimate of the losses of this company in Arizona by Indian depredations.

THOMAS RICH.

Subscribed and sworn to before me, this 7th day of December, 1871.

[SEAL.] JOHN H. PECK,
Notary Public.

F.

Statement of Edward W. Coffin, of Camden County, State of New Jersey.

In May, 1866, I was appointed superintendent of the Walnut Grove Gold-Mining Company, of Turkey Creek, Yavapai County, Territory of Arizona, and on the 1st June following left New York for San Francisco, *en route* for that place, to assume charge of the company's property; Mr. George H. Vickroy, the former superintendent, accompanied me. At Los Angeles, Cal., we purchased the necessary teams, provisions, &c., for the journey, and about the first of the following August reached our destination. Having completed the necessary arrangements I immediately commenced the erection of a 20-stamp quartz-mill, which had been previously brought into the Territory by Mr. Vickroy, with the necessary buildings, &c., which were finished about the close of the year, notwithstanding we were almost daily troubled by the Indians, (Apaches,) in killing men, running off stock, harassing our supply-trains, &c., and which caused a vast increase in the cost of our enterprise. As they had stolen a large part of the stock in that part of the Territory, as well as our own, it was impossible for me to obtain teams to haul rock to the mill, and obliged me to return East and obtain more money to enable me to purchase another outfit of teams, wagons, &c., in California, and to supply our mill. With that object I started East about the 1st January, 1867.

When I first assumed charge of the mine I was assured we should receive military protection, and while I was in Arizona I made numerous applications and had as many promises of protection from the military authorities, but with the exception of one escort for two or three days, I never succeeded in obtaining the least protection. In the fall of 1866, sometime before starting East, I addressed a communication to Lieutenant-General Grant, which was indorsed by influential parties in Philadelphia, urgently requesting that a military camp might be formed in the vicinity of the mill for our protection. This letter was presented to General Grant by Mr. Vickroy, and I have understood he instructed General McDowell, then in command of the Department of the Pacific, to establish such a camp; but it was never done and we had to depend entirely upon ourselves. After obtaining the necessary means, I again left New York for Arizona on the 11th April, 1867. On my arrival at Los Angeles I purchased a large number of animals, wagons, provisions, &c., and started for the mines, where we arrived early in August. The train was very much annoyed by Indians on the way, and the day after our arrival the herd was attacked within less than half a mile of the mill, but by the vigilance of the herders the Indians were driven off. A few days afterward, however, while grazing on the company's farm, the herd which I had brought in, with other animals belonging to the company, were driven off and the herder killed. This unfortunate occurrence placed us in as bad a condition as we were when I left for the East the previous January, and discouraged the company from again purchasing stock and pursuing the enterprise. I returned East in August, and soon after ended my connection with the company.

I have no means of knowing the exact amount of money expended by the Walnut Grove Gold-Mining Company in this enterprise, but I have every reason to believe it is about $300,000.

I understand it is the intention of the company, in case the Government grants their application for relief, to expend the money so received in developing the mine, erecting new machinery, &c.; and I have no doubt, from my knowledge of the property, the enterprise will be a complete success; and as there has been a new settlement made within a few miles of it, the company can develop their property in comparative safety, and from the number of men employed at the mine it will be the means of saving the Government large sums of money in the maintenance of troops in that vicinity.

I am entirely satisfied in regard to the value of the mine, and believe it to be one of the best on the Pacific coast, and if properly developed, which it will be if this relief is granted, the Government will be amply repaid for all its expenditure. In my opinion it is nothing more than justice that the company should be compensated for its losses, for I am quite confident the money would not have been expended if they had not had full assurance of protection from the Indians.

E. W. COFFIN.

Sworn and subscribed to before me, this 27th day of December, A. D. 1871.
[SEAL.] J. A. LOUGHRIDGE,
Prothonotary.

G.

Affidavit of Richard Gird.

I, Richard Gird, residing in the city of San Francisco, State of California, being duly sworn by Lorenzo S. B. Sawyer, clerk and commissioner of the United States circuit court of the ninth circuit, district of California, depose as follows: That I was in Prescott in September, 1865, when G. H. Vickroy arrived with a mule-train of wagons from the Rio Grande freighted with mining-tools, mill, machinery, and provisions. The mule-train, wagons, and outfit were the finest and largest I have ever seen in the Territory. It was common report that the train had been many times attacked by Indians; that, after much trouble, perseverance, and hardship, the mill had been located at the Bully Bueno mine, when the Indians became so dangerous and troublesome, stealing the stock and attacking the men, that the party in charge, consisting of some eighteen or twenty men, abandoned the mine, putting into the boilers, through the man-holes, what property they could, and burying or *cacheing* the whole, consisting of three 32-inch Teale cylinder boilers, thirty-two feet long, engine, mill, machinery, provisions, tools, powder, &c. Military protection could not be obtained.

I was at that time collecting data for my map of Arizona, and the Indians were so bad, and fast becoming more daring and better armed, and consequently more dangerous, that I abandoned it in the fall of 1865 and returned to San Francisco.

The next season Major Coffin, who came out as superintendent of the Bully Bueno mine, suffered heavy loss, great inconvenience, and delay from Indian depredations. He had a wagon-train conveying supplies from Prescott to the mine attacked, the teamsters killed, and property destroyed.

I went to Arizona in the employ of the company in 1867 as surveyor, and in the company of Mr. Vickroy and Mr. Harlan. On the road from San Bernardino to Prescott reports continually reached us of Indian hostilities. When we reached the Bully Bueno mine and mill we found that the stock had been run off by Indians, and that Major Coffin had been compelled to suspend operations. We found the mill guarded by citizens, employed by the company, who where in continual dread of attacks. I went with Mr. Vickroy to General Gregg, then commanding the district, for soldiers to assist in guarding the property. General Gregg said that he had no men to spare from Fort Whipple, and citizens could not be employed in sufficient numbers to be effective.

The property at the mine consisted of the mill-building, with machinery for reducing ore, all in running order, circular saw for sawing lumber, dwelling-house, boarding-house, powder and tool house, and other buildings, both at the mine and mill.

I have no hesitation in saying that the failure of the enterprise was owing to Indian hostilities and the consequent insecurity of life and property in that exposed situation; that the loss of the company must have been very heavy, and the final destruction of the mill in 1869 is a death-blow to the enterprise for the present; that if it had not been for the impossibility of the company's prosecuting the work on account of Indian hostilities and want of military protection, the mill would have paid handsomely from the beginning.

RICHARD GIRD.

Subscribed and sworn to before me, this 16th day of January, A. D. 1872.
[SEAL.]
L. S. B. SAWYER,
Clerk and Commissioner United States Circuit Court,
Ninth Circuit, District California.

H.

Affidavit of Charles Harlan.

I, Charles Harlan, residing in San Francisco, am twenty-five years of age, and am employed in the custom-house as examiner of weighers' returns. I went with G. H. Vickroy, general superintendent of the Bully Bueno mine, in August, 1867, to Arizona. On our way there we were much annoyed by Indians, and heard of their poisoning the water in advance of us. When we reached Hardyville we heard of so many attacks having been made between there and Prescott that we waited several days, until a sufficiently large party could be made up to make traveling safe. Mr. Vickroy procured two more horses at Hardyville, which, in addition to the four we were driving, made team enough to haul feed and provisions for the whole party. On arriving at Prescott we found the country so overrun, and in the power of the Indians, as to preclude the possibility of starting up the mill, which had been forced to stop by the attacks of the Indians, and that Mr. Vickroy's mule-trains, which were the finest in the Territory, had fallen a sacrifice to the disturbed condition of the country. Mr. Vickroy could not replace his mules, as there were no animals for sale in the country. He appealed to General Gregg for troops to guard the mill, but General Gregg was not able to spare them. Mr. Vickroy then employed what men he could to guard the mill and other buildings, and he and myself returned to California, after being absent several months, and fully convinced that the number of soldiers in the Territory was totally inadequate to the protection of life and property. Mr. Vickroy had intended to run his mill that winter, and prepared to do so at a very heavy expense, but the loss of his mule-trains made it impossible to replace them.

CHARLES HARLAN.

Subscribed and sworn to before me, this 16th day of January, A. D. 1872.
[SEAL.]
L. S. B. SAWYER,
Clerk and Commissioner United States Circuit Court,
Ninth Circuit, District California.

I.

Affidavit of Charles Allmendinger.

I, Charles Allmendinger, am twenty-seven years of age; reside at No. 434 North Second street, Philadelphia.

On February 12, 1867, I left New York for Arizona with G. H. Vickroy, by whom I was employed as assayer. We arrived in Arizona about the middle of April. I remained in Arizona one year. During the time I was there the Indians committed depredations nearly every week. We had no protection from the military authorities, though we

were frequently promised aid. There were eleven of our men killed while I was there While I was there the Walnut Grove Mining Company sustained heavy losses from Indian depredations, losing a great number of mules and horses.

I was also with G. H. Vickroy in Los Angeles and San Bernardino, where he bought mules, paying $200 each in gold. These same mules were afterward captured or killed by the Indians while I was in the Territory. The country being overrun by Indians, it was impossible to carry on successful mining operations without the aid of the military.

Although strenuous efforts were made by the military to suppress Indian depredations, they did not succeed. Had the military been successful the losses of our company would have been inconsiderable. Had it not been for the Indians this mining enterprise would have been a great success, and been the means of developing that whole district of country.

I left Arizona in April, 1868, owing to the danger from Indians. I have been well informed as to the condition of things in Arizona since I left there, and heard of the burning of the mill and other buildings soon after it occurred in July, 1869.

From what I have seen of mining operations I do not think the losses of this company at the Bully Bueno mine were less than $300,000.

I have been employed by two other companies as assayer. The Bully Bueno mine, if successfully worked, is considered the best in Arizona.

CHAS. ALLMENDINGER.

Sworn and subscribed before me, prothonotary of the court of common pleas, this 14th day of December, 1871.

[SEAL] J. A. LOUGHRIDGE,
Prothonotary Court of Common Pleas.

K.

Affidavit of Richard C. Bates.

Richard C. Bates, of Haddonfield, Camden County, New Jersey, upon first being duly sworn, deposes and says: I am thirty-five years of age; I left Philadelphia on the 10th day of April, 1867, in the employ of Maj. E. W. Coffin, superintendent of the Walnut Grove Gold-Mining Company; my destination being the Bully Bueno mine, sixteen miles from Prescott, Ariz., where the said company was carrying on mining, and had erected a 20-stamp quartz-mill, and six other buildings. Major Coffin bought a mule-train in California, of which I took charge, and started, with three wagons, from San Pedro, on the 21st day of June, 1867. These wagons were loaded with about $11,000 worth of merchandise. I experienced a great deal of trouble on the road to Prescott from Indians, as they had poisoned some of the water-holes on the road and made several attacks, and we were greatly delayed on the trip. I arrived with the train at the Bully Bueno mine on about the 6th of August, 1867. The next day we had a fight with Indians at the mill. I then took the mules, and also the horses that were at the mill, to the company's farm, where, on the 13th of August, 1867, the Indians attacked us, killed one man, and drove off all the stock. I was on herd that day myself. The Indians were hanging around the mill all the time, stealing every article chancing to be within their reach, and killing men and running off stock during all the time I was there. It was impossible to travel, haul in supplies, or work the mine without military protection, which the company never got while I was in Arizona. Major Coffin was totally unable to purchase any teams to carry on the work, without going back to California; and as he had never been able to secure military protection he had scarcely any hope of keeping any stock at that time. He went to Philadelphia in August, 1867, leaving about fifteen men to guard the mill. I remained there in the employ of the company. We did not attempt to work the mine that winter, as it was necessary for all the force at the mill to protect it, and even then we never felt safe. No further work was carried on. It was very difficult to employ men to guard the mill, as the Indians were getting more dangerous every day, emboldened by their many successes. On the 9th of July, 1869, they attacked the mill, and the party stationed there being too small to hold out against the Indians, they drove off the force, some going to Prescott and some to Walnut Grove. They burned the mill and all the other buildings, and destroyed all the property they did not carry off. I returned to my present residence in 1869.

RICHARD C. BATES.

Witnesses:
EDWARD C. SHINN,
ROBERT BATES.

STATE OF NEW JERSEY, *Camden County, ss:*

Sworn and subscribed by the said Richard C. Bates before me, this 18th day of December, A. D. 1871. Witness my hand and official seal.

[SEAL.] JOHN W. CAIN, *Clerk.*

L.

Affidavit of E. Winslow Coffin.

E. Winslow Coffin, residing at Glendale, Camden County, New Jersey, upon first being duly sworn, deposes and says: I was employed in May, 1866, by the Walnut Grove Gold-Mining Company of Arizona as book-keeper. My father, Edward W. Coffin, being superintendent, I accompanied him to that Territory, arriving there about August 1, 1866. Previous to our leaving Philadelphia the superintendent was instructed to proceed to investigate the case, and if, in his opinion, it was safe to erect the mill and prosecute the operations of the company, to do so; if not, to store the machinery, merchandise, &c., belonging to the company. After due consultation with the military and civil authorities of the Territory, and upon full assurance that we were to be protected by the military force of the district, we commenced the erection of the mill. The superintendent reported to the company in Philadelphia that he had secured promises of protection that satisfied him, and, as the mine was rich and the facilities for working it good, he would proceed to operate the enterprise at once. He drew on the company for moneys, and sent to San Francisco for a full stock of provisions, chemicals, supplies, mules, wagons, &c. In the mean time we employed a force of about forty men, and commenced the erection of the mill and other necessary buildings. We depended upon pack-animals to supply us until the supplies from San Francisco arrived.

Scarcely a week passed that we were not molested by Indians, and all this time making earnest appeals to the commander of the district for protection, and received many promises of aid. One train, when within ten miles of the mill, was attacked by Indians, and three teamsters killed and the whole train captured. I spent two weeks riding over the country endeavoring to employ teams to haul our ore to the mill, which was then ready to commence crushing, and succeeded in securing teams at two different times, but on both occasions Indians prevented the fulfillment of their contracts. It was impossible to get the ore to the mill (half a mile) without teams. After all these disasters, and the failure to establish a military camp at our mill, Edward W. Coffin came East, leaving me in charge of the enterprise. He returned in the following July, having secured more means to prosecute the enterprise. During the superintendent's absence several men were killed, and all our mules and horses captured by Indians. A few days after his return the superintendent returned to Philadelphia again, and left me to run the mill during his absence. I had thirty-four head of mules and horses, but within two days after his departure the Indians attacked and captured every one of them, and killed the herders. After this misfortune I employed nine men and left them in charge of the mill, and started to San Francisco to put myself in communication with the company. Soon after I was ordered to return, and arrived in Philadelphia in November, 1867. The expenses of the company were about $300,000, and the buildings erected at the Bully Bueno mine, and which were burned July 9, 1869, by Indians, were very valuable.

E. WINSLOW COFFIN.

Sworn and subscribed before me, this 28th day of May, 1872.

[SEAL.] J. A. LOUGHRIDGE,
Prothonotary of the Court of Common Pleas for the City and County of Philadelphia.

M.

Affidavit of S. S. Grant.

S. S. Grant, of Saint Louis, Mo., being duly sworn, deposes and says: On December 7, 1864, I sold to George H. Vickroy, superintendent of the Walnut Grove Gold-Mining Company, of Arizona, one hundred mules at $200 each, four mules at $250 each, three horses at $250 each, and one horse at $200, and one horse at $275; that said mules and horses were fully worth the amounts paid to me; and that after I made said contract to deliver said stock to George H. Vickroy I could have sold the same for more money, as prices were daily advancing. That on January 26, 1865, I sold to George H. Vickroy the balance of the mules for the said company, to transport their wagons to Arizona, at $250 each, and that all of the said mules were fully worth the prices paid by said company to me at the time of said sales.

S. S. GRANT.

Sworn to and subscribed before me, this the 9th day of November, 1872.

[SEAL.] WASHINGTON HENDRICKS,
Notary Public of Saint Louis County, Missouri.

N.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your petitioners, citizens of the States of Pennsylvania and New Jersey, respectfully represent that they are the trustees of a mining company organized in the year 1864, and known at that time as the Walnut Grove Gold-Mining Company, of Arizona. The individuals composing said company having, at the time above mentioned, full written assurances from General James H. Carlton, then commanding the Military District of Arizona and New Mexico, that should we send to the Territory of Arizona a quartz-mill, machinery, supplies, &c., for opening and working our mines, we should have ample military protection and support, as at that time the Government of the United States, as well as the citizens of the Territory, were anxious to aid and assist any enterprise looking to the settlement of the country and the development of its rich mineral resources, at heavy expense, as the accompanying affidavits and papers will show, we equipped an expedition most thoroughly with everything necessary to insure the success of the enterprise.

Our quartz and saw mills, steam-engine, boilers, mule-train, &c., &c., finally arrived at its destination in September, 1865, sixteen miles from Prescott, the then seat of government of the Territory. Up to this date our expenditures had been about $100,000, exclusive of the mines and lands upon which the mills and other improvements were located.

And we further represent that our agents had repeated assurances of military protection from the several military officers who commanded that district during our efforts to maintain our operations there, and that said assurances of protection from Indian depredations induced us to continue to contribute money from time to time, during four years, as often as the Indians robbed us of our property and obstructed our operations, until July 9, A. D. 1869, when the Indians made their final attack, driving off the men in charge of the property, and burning the mill and other buildings, together with all the wagons, mining-tools, chemicals, and supplies, which, at that time, had cost the company about $300,000.

Your petitioners further represent that they would not have undertaken this enterprise in the first instance but for the guarantee of protection from the then district commander, nor would we have continued to expend our means after each succeeding Indian raid but for the renewed assurances of protection from the military authorities in Arizona. And we further represent that we now desire to resume operations at our mines, and that a flourishing settlement has grown up in that vicinity, (the settlers having been attracted there by the wealth of newly-discovered gold-mines,) and that we now feel safe in rebuilding and commencing operations. And we further respectfully represent that a number of the original subscribers to this enterprise invested all they could command in it, on the strength of the assurances of the protection above recited, and are unable to meet further assessments on them.

We, therefore, most respectfully petition Congress to re-imburse our said company for the losses sustained from the said Indian outrages, believing our claim right and equitable, and that the Government will, in a few years, be amply remunerated by the development of that district of the Territory, which will doubtless be the result of the rebuilding our mill and working the mines.

The principal mine which we own, and upon which our mill and buildings were erected, is known as the Bully Bueno mine, and is one of the best-known, and, we believe, one of the richest in the Territory.

J. G. FELL,
EDWARD HOOPES,
GEORGE BURNHAM,
Trustees.

PHILADELPHIA, PENNSYLVANIA, *December* 27, 1871.

HOUSE OF REPRESENTATIVES.
Washington, D. C., January 8, 1872.

As governor of the Territory of Arizona, resident at Prescott at the time this company entered upon its important enterprise, I am familiar with many of the facts set forth in the foregoing statement. I am aware that the company, at heavy expense, brought to the Territory extensive and valuable machinery, and counted upon military protection in its efforts to develop one of the most promising gold-lodes; that said protection was not provided, and that for want of it the Indians, being active and increasing in their hostilities, the company was constantly embarrassed in its operations, and ultimately suffered the complete loss of its machinery, buildings, &c., &c., at their hands.

I consider the claim for relief by Congress just and entitled to prompt consideration.

R. C. McCORMICK,
Delegate from Arizona.

I know Mr. Fell personally, and Messrs. Hoopes and Burnham by reputation, so that I do not hesitate to commend their statements as worthy of entire confidence, as they are all men of the highest business character and reputation.

——— ———.

I am personally acquainted with Mr. Edward Hoopes and with Mr. Fell by reputation. Both of them are eminent business men in Philadelphia, and stand high in the estimation of the people as business men of high character and unimpeachable integrity and veracity.

W. TOWNSEND.

From a personal knowledge of the gentlemen named in the above memorial, I fully indorse their character for veracity, reliability, and moral standing.

A. C. HARMER.

I concur in all the foregoing, having personal knowledge of all the gentlemen named.

WM. D. KELLEY.

I am well acquainted with the gentlemen who signed the above petition. They are among our best citizens in Philadelphia, and I ask for them the most intelligent and earnest consideration.

LEONARD MYERS.

I concur in the testimony of Hon. L. Myers.

JOHN W. HAZELTON.

A residence, as a member of the judiciary of Arizona, of more than two and a half of the last three years, part of the time at and near Prescott, proximate to the Walnut Grove mine, above described, enables me to say that nearly all the facts stated in the foregoing memorial are true and of "public notoriety" in that Territory, many of the said facts having passed under my official scrutiny. Long residence in this city, and intimate personal acquaintance with the above-named memorialists, enable me also to say that they are, without exception, men of unquestionable integrity and respectability, and I take pleasure, therefore, in thus recommending their memorial, as above presented, to the most favorable consideration of the Federal Government and its officers.

JOHN TITUS.

PHILADELPHIA, *September* 26, 1872.

O.

[For Exhibit O see "Schedule of property," &c., on page 2.]

P.

PRESCOTT, ARIZONA, *July* 16, 1869.

GENTLEMEN: I have to report that on the morning of the 9th instant, at about 2 o'clock, the Indians made an attack on us at the Bully Bueno mine. I had a night-guard of two men in the mill, but before they could give the alarm the Indians had set fire to the mill and two other buildings, by piling up shavings from the shingle-shop against the outside of the three buildings. There was a large pile of shavings where we had been making shingles; these the Indians piled against the buildings, and fired them before the guard discovered their presence. We made every effort to save the property and resist the attack, and about sunrise we discovered that the Indians were in such large force that it was impossible to resist them, and we concluded to abandon the premises. The men scattered in all directions, some taking refuge at Walnut Grove and others at Prescott. I went to Prescott, and on the 12th employed six men to accompany me to the mill, where I found everything in ruins; the mill, all the houses, wagons, harness, hay, and grain burned up, nothing left but some of the heavy machinery. We remained two days at the ruins and took an inventory of the property that was not destroyed, which consisted of one mortar, twenty stamps, twenty-three dies, seven stamp-stems, one spur-wheel, sixteen cams and cam-shafts. All the balance of the machinery was entirely ruined. The three boilers were broken in two and badly smashed. The copper plates, engine, saws, belting, and all the

smaller machinery were completely destroyed. I do not think that any of the machinery can be used for any purpose except that above enumerated, and probably a great deal of that cannot be made serviceable. When we rebuild the mill I think it would be better to have everything new, and not depend on any of the above-mentioned machinery, as I do not believe it will be true and in working order. I will leave here in a short time, and just so soon as I can will be in Philadelphia and tell you much better than I can write it.

Yours, very respectfully,

JAMES A. FLANAGAN.

Messrs. FELL, HOOPES & BURNHAM.

Q.

PRESCOTT, ARIZONA, *September* 11, 1869.

DEAR SIR: In the matter of Basham suit against your company, we had an appraisement made of such property as was not destroyed by the Indians at the Bully Bueno, as follows:

20 stamps, at $150	$3,000 00
1 mortar	700 00
23 dies, at $50	1,150 00
7 stamp-stems, at $400	2,800 00
1 spur-wheel	900 00
16 cams, at $100	1,600 00
1 cam-shaft	380 00
	10,530 00

Yours, very respectfully,

I. C. CURTIS.

G. H. VICKROY,
1502 *North Eleventh Street, Philadelphia.*

Know all men by these presents that I, George H. Vickroy, of the Territory of Arizona, for and in consideration of the sum of one dollar, to me paid by Joseph Gillingham Fell, Edward Hoopes, and George Burnham, all of the city of Philadelphia, in the State of Pennsylvania, at the execution hereof, the receipt whereof is hereby acknowledged, as also in consideration of certain other valuable inducements, agreements, and stipulations, now entered into between the said grantor and grantees, have granted, bargained, sold, released, and confirmed, and by these presents do grant, bargain, sell, release, and confirm, unto the said Joseph G. Fell, Edward Hoopes, and George Burnham, and the survivors and survivor of them, and the heirs and assigns of each survivor, all the estate, right, title, interest, property, claim, and demand whatsoever which I, the said George H. Vickroy, have or hold in and to all those certain mining rights, discovery claims, and privileges on the southwestern quartz-lead, and the pre-emption claim to a ranch (160 acres) and its appurtenances on Hassayampa Creek, situated in the Walnut Grove mining district, in said Territory of Arizona, said discovery claims and extensions amounting in all to fifteen hundred feet, as the same are recorded in the recorder's office of said district and Territory, or assigned to me by other parties, in the following books and pages, viz, discovery claim in my name, of date May 19, 1864, Book A, page 20; also claim in my name, May 19, 1864, being extension of above, recorded in Book A, page 20; assignment of their claims to me by James C. Neil, William Smith, and R. I. Osburn, dated May 28, 1864, recorded in Book A, page 25, together with all my title to the said lands, hereditaments, and appurtenances, to hold all of said lands, mining rights, minerals, and privileges, unto the said Joseph G. Fell, Edward Hoopes, and George Burnham, the survivors and survivor of them, and the heirs and assigns of such survivors, forever.

In witness whereof I, the said George H. Vickroy, have set my hand and seal this first day of November, in the year of our Lord one thousand eight hundred and sixty-four.

G. H. VICKROY. [L. S.]

Sealed and delivered in presence of us—
CHA'S RHOADS.
E. W. BAILEY.

STATE OF PENNSYLVANIA, *City of Philadelphia:*

Before me, E. H. Bailey, notary public for the commonwealth of Pennsylvania, duly commissioned and sworn, residing in the city of Philadelphia, personally appeared

George H. Vickroy, and acknowledged the above and foregoing deed to be his free act and deed, and desires the same recorded as such.

In testimony whereof I have hereunto set my hand and affixed my notarial seal this 1st day of November, A. D. 1864.

[L. S.]

E. H. BAILEY,
Notary Public.

Whereas George H. Vickroy, by the annexed assignment, dated the 1st day of November last past, (1864,) did grant and convey unto Joseph G. Fell, Edward Hoopes, and George Burnham, and the survivors and survivor of them, and the heirs and assigns of such survivor, all the estate, right, title, interest, property, claim, and demand whatsoever of him, the said George H. Vickroy, of, in, and to all those certain mining rights, discovery claims, and privileges on the southwestern quartz-lead, and the pre-emption claim to a ranch (160 acres) and its appurtenances on Hassayampa Creek, situated in the Walnut Grove mining district, in the Territory of Arizona, said discovery claims and extensions amounting in all to fifteen hundred feet, as the same are recorded in the recorder's office of said district and Territory, or assigned to him by other parties, in the following books and pages, viz: discovery claim in his name, of date May 19, 1864, Book A, page 20; also claim in his name, May 19, 1864, being extension of above, recorded in Book A, page 20; assignment of their claims to him by James C. Neil, William Smith, and R. I. Osburn, dated May 28, 1864, recorded in Book A, page 25.

Now, therefore, know all men by these presents that they, the said Joseph G. Fell, Edward Hoopes, and George Burnham, do hereby acknowledge, testify, and declare, and do, for themselves respectively, their respective heirs, executors, and administrators, covenant, promise, and agree to and with the persons forming a certain association known as the Walnut Grove Gold-Mining Company, of Arizona, that they, the said Joseph G. Fell, Edward Hoopes, and George Burnham, have taken and accepted the said assignment and transfer of mining rights and privileges, and do stand seized thereof in trust for the sole use and behoof of the said association or mining company, and that they, the said trustees, and the survivors and survivor of them, or the heirs and assigns of such survivor, shall and will grant, convey, and assure the said mining rights and claims, and all their estate therein, unto the said association or company, so soon as the same shall be duly incorporated according to law by its proper corporate name and title, for the general use and benefit of all the stockholders therein, according to their respective proportions of capital invested therein.

In witness whereof the said parties to these presents have hereunto set their hands and seals this twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty-four, (1864.)

J. G. FELL. [L. S.]
EDWARD HOOPES. [L. S.]
GEORGE BURNHAM. [L. S.]

Witness present:
C. D. COLLADAY.

On the 22d day of December, A. D. 1864, before me, the subscriber, a notary public in and for the State of Pennsylvania, residing in Philadelphia, personally appeared the above-named Joseph G. Fell, Edward Hoopes, and George Burnham, and in due form of law acknowledged the above and foregoing declaration of trust to be their act and deed, and desired the same as such might be recorded.

Witness my hand and official seal the day and year aforesaid.

[L. S.]

C. D. COLLADAY,
Notary Public.

R.

Edward Hoopes, of Philadelphia, one of the trustees of the "Walnut Grove Gold-Mining Company, of Arizona," deposes and says: That in November, 1864, when the said company was organized, he made the purchases—dry-goods, groceries, boots, shoes, blankets, tools, &c.—in Philadelphia, by direction and authority of said company, and, as disbursing agent for the same, paid for the said goods when purchased.

He further states that the bills for said goods were sent to Arizona, and reported to be destroyed at the time their buildings were burned and other property destroyed in Arizona, in July, 1869, and, therefore, he cannot furnish an itemized account of said purchases; and as several of the houses from whom the goods were purchased have retired from business, he is unable to duplicate said bills: but finds, in referring to his cash account, that the total amount of said disbursements was $16,156.14, all of which

were shipped to Leavenworth, Kansas, where their teams were outfitting. He further states that it was the determination of the company, at its organization, to furnish whatever of supplies that should be necessary to successfully prosecute their mining enterprise. And he further states that each and every call upon them by their agents in charge for supplies was promptly responded to; and he knows, from having conducted the correspondence with the agents of said company in Arizona, that said supply of goods was, from time to time, largely augmented during the four years they were prosecuting their mining operations.

EDWARD HOOPES.

STATE OF PENNSYLVANIA,
City and County of Philadelphia, ss:

I, C. E. Morgan, jr., a notary public of the State of Pennsylvania, residing in the aforesaid city and county, do hereby certify that Edward Hoopes, who subscribed to the foregoing affidavit, and affirmed to the same personally, appeared before me, in said city and county, and having first been duly affirmed according to law, did depose and say that the foregoing affidavit was, in every respect, just and true.

EDWARD HOOPES.

Affirmed and subscribed to before me this 12th day of August, A. D., 1873.
[SEAL.] C. E. MORGAN, JR.,
Notary Public.

S.

I, EDWARD W. COFFIN, am forty-eight years of age, and reside at Glendale, Camden County, New Jersey.

In the years 1866 and 1867 I was superintendent of the Walnut Grove Gold-Mining Company, of Arizona.

To the best of my knowledge the following sums of money were furnished by the company and expended by me for their purposes during my connection with it:

June, 1866, eleven thousand dollars	$11,000 00
October, 1866, seventeen thousand five hundred dollars	17,500 00
December, 1866, six thousand dollars	6,000 00
February and March, 1867, two thousand five hundred dollars	2,500 00
May, 1867, sixty-four thousand seven hundred and fifty dollars	64,750 00
August, 1867, debts due and contracted by me	26,000 00
	127,750 00

E. W. COFFIN.

Sworn and subscribed before me this 4th day of March, 1873. Witness my hand and the seal of the supreme court of Pennsylvania, at Philadelphia, this 4th day of March, A. D. 1873.
[SEAL.] JAMES ROSS SNOWDEN,
Prothonotary.

T.

WIGGO M. JENSEN deposes and says that he is 34 years of age, and a practical miner by profession.

That from the year 1859 to the year 1869 he was engaged as a mining expert a portion of the time, and superintendent of three large mining enterprises the balance of that time, in the mining districts of California and Nevada, and that he is well acquainted with the cost of working and operating gold and silver mines, the kind of machinery requisite, and buildings necessary to successfully carry on mining operations.

He further states that he visited Arizona in the spring of 1869, for the purpose of examining the gold-mines in the vicinity of Prescott, and at the Bully Bueno mine on Turkey Creek, 16 miles from Prescott, he saw the extensive works belonging to the Walnut Grove Gold-Mining Company, and examined the mines and the company's works; that the ores of this mine are among the best he ever saw, and that the twenty-stamp mill had all the modern improvements for desulphurizing, panning, and saving gold, and which was inclosed in a building 160 feet front by 200 feet deep; that there were 5 other buildings there belonging to the company—a store-house, 26 feet front and 58 feet deep; a superintendent's house, 30 feet front and 40 feet deep; a boarding-house

26 feet front and 60 feet deep; a blacksmith's, and carpenter-shop, and office. He further says that he has carefully examined the printed schedule of prices to the property destroyed by the Indians in 1869, above described, and as sworn to by G. H. Vickroy, (see Ex. Doc., No. 95, Forty-second Congress, third session,) and knows of his own knowledge, that the prices stated in said schedule are not exorbitant; and further, that he does not believe that the buildings referred to and above described could have been placed there by contract for the sum stated; and that he knows of many others, in other localities, where the building-materials and other necessary appliances, the price of labor, provisions, &c., are quite as favorable, have cost largely in excess of the prices stated.

He further says the machinery and fixtures referred to above were first-class, and the buildings were substantial, and everything complete for carrying on large mining operations.

W. M. JENSEN.

DISTRICT OF COLUMBIA,
Washington County, ss:

On this 12th day of June, A. D. 1873, before me, the subscriber, a justice of the peace in and for the county aforesaid, personally appeared Wiggo M. Jensen, who, being sworn according to law, did depose and say that the several statements contained in the foregoing deposition, and hereto annexed, are just and true to the best of his knowledge and belief.

W. M. JENSEN.

Sworn and subscribed before me.
[SEAL.] JOHN T. C. CLARK, *J. P.*

U.

Benj. F. Akers, of Lawrence, Kans., upon being duly sworn, says:

I have been engaged in freighting across the plains and dealing in mules and horses for more than ten years. In January, 1865, Geo. H. Vickroy, of Arizona, brought a large drove of mules from St. Louis to Leavenworth City, Kans., where I then resided, and rented my stable and corral. During the time he was preparing to start for Arizona, nearly two months, he kept his mules in my stable and corral, and I saw them nearly every day. He had about two hundred and sixty mules. I was at that time buying mules, and was familiar with the prices. I do not think I ever saw as fine a lot of mules, and know they would have sold readily for from two hundred to two hundred and fifty dollars each in Leavenworth at that time. I do not think there was a mule in the train that would not bring at auction two hundred dollars.

B. F. AKERS.

DISTRICT OF COLUMBIA,
County of Washington, ss:

Sworn to and subscribed before me, this 21st day of March, A. D. 1873.

JOHN H. JOHNSON, [SEAL.]
Justice of the Peace.

V.

I, Bodine Peterson, am 33 years of age, and at present reside at the corner of 11th and Mt. Vernon streets, Philadelphia. In the summer of 1866, I was in Prescott, Ariz., and was employed by Major Coffin, superintendent of the Walnut Grove Gold-Mining Company, to assist in the erection of a 20-stamp quartz-mill on Turkey Creek in that Territory. The mill had been brought into the Territory by Mr. Geo. H. Vickroy. I remained in the employment of the company over a year, during which time the Indians were very troublesome, and the company suffered heavy losses from the constant interruption of their business, besides the immense loss sustained by the killing and running off of their live stock. A number of the employés of the company were killed in the discharge of their duty while I was employed by the company, and others before I went into the country and after I left it. I know that military protection was promised the superintendent, but, to my knowledge, he never succeeded in obtaining it in a single instance.

I was not in a position to enable me to know the amount of loss sustained by the company, but it must have been very heavy, and I am entirely satisfied if the promised military protection had been furnished, the greater part or all of it could have been avoided, and the mine (which is doubtless very rich) would have been operated to a profit.

The mill and necessary buildings were entirely finished and ready to commence operations when the last train of wagons and materials were brought in by Major Coffin, but unfortunately the whole herd of animals were driven off by the Indians and the herders killed. Soon after that I left the employment of the company and returned to California; soon after which the Indians burned the mill and destroyed the entire property of the company.

BODINE C. PETERSON,

STATE OF NEW JERSEY,
Camden County, ss:

Sworn and subscribed to before me, clerk of the court of common pleas of said county, as witness my hand and official seal this third day of March, anno Domin eighteen-hundred and seventy-three.

JOHN W. CAIN,
Clerk.

W.

STATE OF MISSOURI,
County of Saint Louis, ss:

I, John B. Slack, of Saint Louis, Mo, aged fifty-three years, by occupation a carpenter and builder, upon being sworn before the clerk of the county court of Saint Louis County, state as follows:

I joined the mule-train of the Walnut Grove Gold-Mining Company, at the Point of Rocks, six miles from Prescott, Ariz., about the 15th of September, 1865, and assisted in making the road from there to the Bully Bueno mine, where I then resided. After arriving at the mine we immediately commenced preparations for the erection of the 20-stamp quartz-mill, saw-mill, and other buildings. I took the contract for getting out all the timber for both mills, and after filling my contract I continued in the employ of the company nearly four years, until the mills and other buildings were burned by the Indians in July, 1869.

I have examined the schedule of property destroyed, filed by the company in printed Executive Documents, No. 95, Forty-second Congress, third session, and can say positively that the charge for buildings is not exorbitant. I went to California in 1849, and remained in the mining districts of the Pacific coast until 1871, and am familiar with the cost of erecting buildings and machinery, and in no instance in an experience of 22 years have known a 20-stamp mill inclosed in a suitable building as that was, at a cost as little as $118,000.

All the buildings in said schedule are estimated at less than the selling price of the lumber in them, and had this company's affairs been managed with the usual prodigality practiced in mining countries, the cost of the buildings would have been two or three times greater.

In addition to the economy used, the company brought with them from the States their own teams, tools, and supplies, and many of their workmen, which together with the saw-mill enabled them to do their work for easily one-half what it would have cost if they had given it out by contract.

I was on the ground during most of the time of their operations in Arizona, and feel safe in saying from my own personal knowledge, that their claim as itemized in said schedule is just and reasonable, and can name more than fifty mills in California and Nevada having no better or no more extensive machinery, and with fewer out-buildings and those inferior to the houses at the Bully Bueno, which have cost from double to five times the amount claimed by the Walnut Grove Gold-Mining Company.

JOHN B. SLACK.

Subscribed and sworn to before me, this eighth day of November, 1873.
[SEAL.]

F. C. SCHOENTHALER,
Clerk County Court.

O

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 17.

MODE OF COLLECTING INTERNAL REVENUE.

RESOLUTIONS

OF THE

LEGISLATURE OF NORTH CAROLINA,

IN REGARD TO

The mode of collecting internal revenue by United States officials.

DECEMBER 8, 1873.—Referred to the Committee on Ways and Means and ordered to be printed.

Whereas the practical workings of the internal-revenue laws of the United States in their present form are prejudicial to the best interests of the people in many localities in this State;

And whereas the rigorous efforts now being made by revenue officers to enforce these laws are creating much discontent and confusion among the people;

And whereas the enforcement of the laws is not only arousing prejudice among our citizens, but is absolutely alienating the hearts of the people from the Government itself;

And whereas the execution of such laws has not only been a fruitful source in producing the evils herein specified, but in various sections of the State has cost the Government more than double the amount of the revenue derived from such source: Therefore,

Be it resolved by the house of representatives, (the senate concurring,) That our Senators and Representatives in Congress are hereby earnestly requested to use their utmost influence to have the aforesaid laws so modified as to render them less expensive to the Government and less oppressive to the people of these United States.

Resolved further, That the secretary of the State is hereby directed to furnish each of our Senators and Representatives in Congress with a copy of these resolutions as soon as practicable.

Adopted by the general assembly of North Carolina, and ratified the 2d day of December, 1873.

J. L. ROBENSON,
Speaker of House.
C. H. BROGDEN,
President of Senate.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE,
Raleigh, December 3, 1873.

I hereby certify that the foregoing is a true copy of the original act on file in this office.

[SEAL.]

WM. H. HUMERTON,
Secretary of State.

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 18.

CITADEL AT CHARLESTON, S. C.

RESOLUTION

OF

THE LEGISLATURE OF SOUTH CAROLINA,

ASKING

Appropriation for repairs of citadel, occupied by United States troops.

DECEMBER 8, 1873.—Referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Whereas the west wing of the citadel property of the State of South Carolina, situated in the city of Charleston, was, while occupied by the United States Government, greatly injured by fire: Therefore,

Be it resolved by the senate of South Carolina, the house of representatives concurring, That our Senators in the United States Senate be instructed and our members in Congress be requested to use their influence in securing such an appropriation from the Congress of the United States as will be sufficient to repair and rebuild the said wing of the citadel, and place it in as good condition as it was before the said wing was burned.

That a copy of this resolution be transmitted to each of our Senators and members in Congress for their instruction.

Adopted by the senate January 31, 1873.

R. HOWELL GLEAVES,
President of the Senate.

Attest:

J. WOODRUFF,
Clerk of Senate.

Concurred in by the house of representatives February 4, 1873.

SAML. J. LEE,
Speaker House of Representatives.

Attest:

A. O. JONES,
Clerk House of Representatives.

O

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 19.

NATIONAL BANK CURRENCY.

RESOLUTION

OF

THE LEGISLATURE OF SOUTH CAROLINA,

ASKING

For the passage of an act by Congress to authorize the Comptroller of the Currency to issue to national banks circulating-notes or currency equal to 90 per cent. of current market-value of the United States bonds transferred and delivered by such national banks.

DECEMBER 8, 1873.—Referred to the Committee on Banking and Currency and ordered to be printed.

Resolved by the senate, (the house of representatives concurring,) That the Senators and Representatives of this State in the Congress of the United States be, and they are hereby, requested to move and urge upon the consideration of Congress such amendments of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, as will authorize the Comptroller of the Currency to issue to national banks organized under said act an amount of circulating-notes or currency which shall be equal to ninety per centum of the current market-value of the United States bonds transferred and delivered by such national banks, respectively, to the Treasurer without limitation as to the par value of such United States bonds.

2. That the governor be requested to communicate the foregoing resolution to the Senators and Representatives of the State in Congress, and to urge their early attention to the same as a means of relief to the country in its present condition of financial stringency.

C

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 20.

ANDREW SLOAN *vs.* MORGAN RAWLS.

PAPERS

IN THE CASE OF

ANDREW SLOAN vs. MORGAN RAWLS,

FIRST CONGRESSIONAL DISTRICT OF GEORGIA.

PAPERS OF CONTESTANT.

EXHIBIT A.—*Notice of contest.*

To Morgan Rawls, returned as Representative elect to the Forty-third Congress of the United States from the first congressional district of the State of Georgia:

SIR: You are hereby notified that it is my intention to contest the election by which you are returned as the Representative from the first congressional district of Georgia, composed of the counties of Appling, Bryan, Burke, Bulloch, Charlton, Camden, Chatham, Clinch, Echols, Effingham, Emanuel, Glynn, Liberty, McIntosh, Pierce, Scriven, Tattnall, Ware, and Wayne, to the House of Representatives of the United States for the Forty-third Congress, the said election having been held on the fifth (5th) day of November, A. D. 1872.

I shall proceed under the provisions of an act of Congress of the United States entitled an act to prescribe the mode of obtaining evidence in cases of contested elections, passed during the Thirty-first Congress, approved February 19, 1851, and under the provisions of the Constitution of the United States, and of all other acts of Congress relative to contested elections, of which you will take notice.

The following are the grounds upon which I rely in said contest to wit:

1st. That you did not receive a majority of all the legal votes cast in said district at said election, and are therefore not entitled to the seat and office.

2d. That I did receive a majority of all the legal and qualified votes cast at said election in said district for Representative in the Forty-third Congress of the United States for the first congressional district of Georgia, and I am therefore entitled to said seat and office, you and I alone being candidates at said election for said office, and no other person being voted for for said office.

3d. That your certificate of election was obtained by gross irregularity, unfairness, illegality, frauds, and by the rejection of legal votes cast for me; such rejection having been in violation of the Constitution

and laws of the United States, and of the constitution and laws of the State of Georgia, practiced in various counties and voting precincts in said counties in said congressional district, as hereinafter specifically stated.

4th. That I now have a majority of the legal votes cast at said election in said district, as shown by the returns of file in the office of the secretary of state, and hence am elected to the seat and said office.

5th. That upon a fair and correct canvass and return of the votes cast in this the first congressional district of Georgia, I received a majority of at least one thousand and nine hundred (1,900) votes as a candidate for Representative in the Forty-third Congress of the United States; but through the fraud and unfairness of the managers of election in the various counties composing this district such legal majority was not returned to the governor in my favor, and that the majority of the managers holding said election, and all of those engaged in the perpetration of said fraud and unfairness, were and are your political friends; all of which is more specifically set out below.

6th. That you were cognizant of, and advised the perpetration of many of the frauds mentioned, (all of which operated illegally against me,) such as the secret abolition of voting precincts on the eve of the election, and especially in the county of Bryan, in said district, with the intention and desire to deprive legal and qualified voters who intended to cast their ballots for me from voting at said election.

7th. That at the election held at the court-house in the city of Savannah, county of Chatham, in said district, you are credited with a majority of seven hundred and thirty-three votes, which was illegal and void, and the votes cast at the court-house in said city should be stricken from the general return and wholly disregarded: 1st. Because there was no legal election held at the court-house in said city on the 5th day of November, 1872, at which presidential electors and a member for the Forty-third Congress were voted for. 2d. Because there were four voting places, four ballot-boxes, and four separate and distinct sets of managers, with two supernumeraries, at said court-house in the same militia district, in the same building, on said day of election, the 5th day of November, at which the ballots were cast for a member of the Forty-third Congress, instead of one set of managers, one voting place, and one ballot-box, as the laws of the State of Georgia require and direct, all of which was entirely illegal and void. 3d. Because there were fourteen persons who pretended to be the managers of said election, at the court-house in said city of Savannah, and who officiated in holding said election, instead of three managers, as the laws of Georgia require and direct. 4th. Because, under the laws of the United States, but one set of supervisors could be appointed to supervise said election at the court-house, and said set of supervisors could not, and did not, supervise but one ballot-box, one voting place and set of managers, to wit, at box No. 4, at which I received a large majority of the votes cast. 5th. Because the names of the voters at said court-house, in said city, were not numbered in the order in which they voted for member of the Forty-third Congress, as required by the laws of Georgia, but were numbered at four ballot-boxes and four voting places, on separate and distinct poll-lists, in the order in which the votes were cast, respectively, at the said four voting places, thereby making four, Nos. 1, 2, 3, 4, &c. 6th. Because the managers, who pretended to have held the said election on the said fifth day of November, at the court-house in the said city of Savannah, after the opening of the polls at the four voting places, did not continuously pre-

side at the same box while the voting was going on, but interchanged with each other, presided at different boxes, and, in some instances, left their boxes and went out in the city, and were gone for several hours while the voting was going on, and hence could not make any correct and legal certificate of the balloting at their box. 7th. Because the whole management of said court-house election, on said fifth day of November, at which we were voted for for a member of the Forty-Third Congress, was entirely against the provisions and requirements of the laws of the State of Georgia, and should be rejected from the general returns and wholly disregarded; and because said elections at the said court-house were not held at the proper time and place, and by persons duly and legally qualified to hold them.

8th. That the elections held at the three precincts outside of the city of Savannah, in said county of Chatham, on the said fifth day of November, at which presidential electors and a member of the Forty-third Congress were voted for, viz, the Isle of Hope, Chapman's House, and Cherokee Hill, were duly and legally held by persons duly and legally qualified to hold them, and that at said three precincts I received a majority of one thousand two hundred and thirty-nine (1,239) votes for member of the Forty-third Congress, you only having received at these precincts two (2) votes; yet, notwithstanding the above facts, the court-house managers above mentioned refused and declined to receive the returns of said three precincts and consolidate them with the returns of the votes at the court-house in said city of Savannah, and forward them to the governor of Georgia, so they could be embraced and counted in the general return of the district. Said returns of these three precincts outside of Savannah were consolidated by the managers thereof and forwarded to the governor of Georgia, and are now in the office of the secretary of state, at Atlanta. I shall insist upon their being counted by Congress, and shall also insist upon the rejection of the votes cast at the court-house in this city on said fifth day of November.

9th. That the certificate of election which you claim to have received from the governor, and by which you are returned as member elect to the Forty-third Congress from the first congressional district of Georgia, is based in part upon the assumption that five hundred and sixty-eight (568) votes were cast for you in the county of Bulloch, in said district, on the fifth day of November, 1872, for member of the Forty-third Congress, and upon the assumption that the said vote was duly and legally cast and returned to the governor of the State of Georgia, while, on the contrary, there was no legal vote and return thereof made from Bulloch County, and the five hundred and sixty-eight (568) votes you are alleged to have received in said county should be stricken from the general return and wholly disregarded.

10th. That the election held at the county-site of said county of Bulloch, and at each of the voting-precincts thereof, on the fifth day of November, 1872, at which a member of the Forty-third Congress was voted for, was in no respect legal, and the will and voice of the people, by such illegality, fraud, and unfairness, were defeated, and by which your vote was increased and mine diminished.

11th. That in said election in the county of Bulloch, in said district, in which you are credited with five hundred and sixty-eight (568) votes, and I am not credited with a single vote, the managers of the several voting-precincts, in said county of Bulloch, failed to comply with the requirements of the laws of Georgia in regard to the mode of holding elections, and transmitting the returns thereof to the governor. The

precinct returns of said county of Bulloch were not transmitted in the time and mode prescribed by law to the managers at the county-site, for consolidation, nor were said precinct returns at any time delivered to and transmitted to the managers at the county-site. That neither the managers, at the county-site in said county, nor either of them, ever had the precinct returns of said county in their possession, or ever counted, added up, or did any other legal act in, to, or about the consolidation of the returns from the several voting-precincts of said county of Bulloch.

12th. That neither D. C. Proctor, H. A. Riggs, and M. M. Riggs, the managers at the county-site, at Statesborough, in said county of Bulloch, nor either of the managers at the several precincts, ever consolidated or signed any consolidated returns of the votes cast at the several precincts in said county of Bulloch. That none of the managers of the said election in said county ever mailed or transmitted to the governor of the State of Georgia any return whatever of the votes cast at said election in Bulloch County on the fifth day of November, 1872.

13th. That none of the managers of said election in said county ever deposited in the manner and time required by law the ballots, lists of votes, tally-sheets, and other papers connected with said election held in said county of Bulloch on the fifth day of November, 1872, with the clerk of the superior court of said county.

14th. That the number of managers required by law to consolidate, make up, and sign the consolidated returns from said county of Bulloch were never present and together at the county-site of said county, either on the fifth day of November, 1872, the day following said day, or within the time allowed by law for consolidating said returns.

15th. That the precinct returns of the election for presidential electors and a member of the Forty-third Congress held in said county of Bulloch on the fifth day of November, 1872, were put in the possession of one B. J. Sims, of said county, or of other persons, none of whom had any official connection with said election, and were therefore wholly unauthorized by law to have possession thereof; and that the said returns were by him, or them, retained and held possession of for several days, and until after the expiration of the time allowed by law for the transmission of consolidated returns to the governor.

16th. That the said precinct returns were by him or them conveyed outside the county of Bulloch, and into the county of Chatham, and to the business-house of one of your known adherents, to wit, the store now or heretofore occupied by Wilson & Blitch in the city of Savannah, and were by him or them delivered to one or more persons also unauthorized by law to have possession thereof; all of this before any consolidation thereof had been made by the managers of election in said county of Bulloch, and after the expiration of the time allowed by law for the consolidation of returns, to wit, on or about the eleventh day of November, 1872.

17th. That the pretended consolidated returns of the vote of Bulloch County, in the late election on the fifth day of November, 1872, for a member of the Forty-third Congress, were made up at and transmitted from some other place than that authorized by law, to wit, at and from the city of Savannah, or some other place outside of Bulloch County, and not in and from Bulloch County, and not at and from the county-site of Bulloch County, but at and from the aforesaid business house or houses heretofore occupied by the said Wilson & Blitch; and that the said pretended consolidated returns were sealed with the private business seal of the said firm of Wilson & Blitch, now or heretofore doing business

in the said city of Savannah, and not with the seal of any of the men whose names appear as managers upon the said consolidated returns, and that said pretended returns were mailed at the post-office in the city of Savannah on the nineteenth day of November, 1872, at least ten days after the time in which, by law, they were required to be transmitted to the governor, and not from the county of Bulloch, and therefore the said pretended consolidated return has no validity in law whatever.

18th. That at the election held in the said county of Bulloch the pretended managers thereof, in making their pretended return for said county, gave you five hundred and sixty-eight (568) votes for member of Congress, and to me they gave none. That this allowance was made illegally and unjustly. That no such return, and no return at all, was made from said county of Bulloch, and that the election managers in said county fraudulently carried on and conducted said election with a willful disregard of all the requirements of laws regulating elections, by means of which only the true votes and will of the people could be ascertained in said county.

19th. That by virtue of the violence, intimidation, and threats of your political adherents in said county at said election a large number of colored persons, qualified voters, to wit, twenty and upward, who intended to vote for me, were forced to vote for you; and a large number of colored persons, qualified voters, to wit, fifty and upward, who intended to vote for me for member of Congress, by reason of such threats, intimidation, &c., were prevented from voting at said election at all.

I charge that all said acts were done and committed with the intent and purpose of holding an undue election, and with a desire to prevent an honest expression of the popular will and a true ascertainment of the real votes of the qualified electors residing in said county of Bulloch; and that by reason of said conduct, and other wrong and unlawful acts, committed on the part of the said election managers and the evil-disposed persons who aided and abetted them in their designs, the popular will of said county was not ascertained, but was defeated, and the elections so held in said county were false, fraudulent, undue, and void, and the returns thereof false, and should be stricken from the general return of the district and wholly disregarded.

20th. That at Statesborough, the county site of said county of Bulloch, qualified electors voted for me for Congress, and the managers at said precinct have failed to give me credit therefor, but have substituted ballots with your name instead thereof, which was illegal and fraudulent, and that the pretended consolidated return of the votes cast in Bulloch County for a member of the Forty-third Congress, on the fifth day of November, 1872, by which you are credited with five hundred and sixty-eight (568) votes, and I am credited with none, is illegal, spurious, null, and void, in law and in fact; and that the said five hundred and sixty-eight (568) votes ought not to have been credited to you, but should be stricken from the general return of the district and wholly disregarded.

21st. That at what is known as Horse Stamp Precinct, in the county of Camden, in said first congressional district, which is a regular and legal election precinct, one David Scarlett, a resident of said county, did, on the fifth day of November, A. D. 1872, appear at said election precinct, and by threats, intimidation, and acts of violence prevent the opening of the polls at said precinct, and did thereby fraudulently and unlawfully prevent and hinder fifty persons and upward, qualified electors, from voting, all of whom intended to cast their votes for me for member of the Forty-third Congress had they not been so prevented

by such intimidation, &c. I charge that all of said acts were done and committed with a desire to prevent an honest expression of the popular will and a true ascertainment of the real votes of the qualified electors residing in the said militia district, and that by reason of said conduct no election was held at said precinct, and I should be credited with the fifty votes I was prevented from receiving there by the frauds above mentioned, and these fifty votes should be added to the general return, and counted for me for member of Congress. The names of some of the electors who would have voted for me at said precinct, had they not been prevented by your political adherents, are, Aaron Harris, Burt Atkinson, Powell Scarlett, July Moore, Dick Moore, Sandy Stewart, Ned Hall, Aaron Hall, David Mitchell, and others, to the number of fifty and upward.

22d. That at the election held at Bailey's precinct, in the county of Camden, in said first congressional district, I received ninety-four votes, and you received seventeen votes, thereby giving me a majority of seventy-seven votes for member of Congress from that precinct, and though the said election was legally held at the proper time and place, and by persons duly and legally qualified to hold the same, yet the managers of said precinct election, fraudulently and with evil intent, rejected and failed to carry said precinct returns to the county site of said county for consolidation, until after twelve o'clock m. succeeding the day of election, but did carry the returns of said precinct to the said county site on the day after said election, after twelve o'clock m., and that the managers at the county site of said county, constituting the county consolidating board, falsely and fraudulently rejected and threw out the precinct returns of said precinct, and refused and failed to consolidate the same with the consolidated vote and return of said county, and refused and failed to send forward the same to the governor until after the result of the election had been declared in this district, and hence the said ninety-four votes were not counted in my favor. I claim that I am entitled to have these votes counted in my favor and added to the return for me for member of the Forty-third Congress.

23d. That at the election precinct in the county of Scriven known as Mars' court-ground, through the fraud and deception of William Mars, the magistrate in and for said district in which said court-ground is situated, and whose duty it was to hold the election there on the fifth day of November, 1872, two hundred qualified electors were prevented from casting their votes, all of whom desired and intended, had an opportunity been afforded them, of voting for me for member of the Forty-third Congress, and against you. That the said William Mars, on the third day of November preceding the election, promised and agreed to open the polls at said court-ground on the fifth day of November, and notify the voters of said district to be present there to cast their votes. That on said fifth day of November the said Mars, instead of opening the polls at said court-ground, as he was in duty bound to do, and as he had agreed to do, went off to Sylvania, the county site of said county, and failed to open the polls.

24th. That Mr. G. P. Brown, the United States supervisor appointed to supervise the election at said precinct, after making every effort to have the polls open, and failing therein, and the distance being too great for the said electors to go to any other precinct and cast their ballots, the said supervisor arranged the said electors in a line, counted them, ejected those who were not qualified electors, and found that there were then and there two hundred (200) electors who were qualified to vote at

said election, and each and every one of the said qualified electors intended to vote for me for member of the Forty-third Congress, and against you, had the opportunity been afforded them. Inasmuch as the said two hundred (200) electors were prevented from voting for me through the fraud and deception of your political adherents, I claim that the said two hundred (200) votes should be added to the return in my favor. That at one precinct in said county of Scriven, where the managers of said precinct credit you with having received two hundred and seventy-five (275) votes for member of the Forty-third Congress, and credit me with having received seventy (70) votes for member of the Forty-third Congress, the said managers of election, viz, Alexander J. Lawton, Joseph J. Arnett, and William J. Gross, do not show by or state in their return where said election was held, or what precinct it was that the said election was held at. I charge that said return was false, fraudulent, spurious, undue, and illegal, and that no such return was made, and that no return from that pretended district was made, and that all the votes alleged to have been cast thereat were not cast, but are illegal, null and void; and that the whole return is false, and should not be counted in the general return from this congressional district, but should be rejected and wholly disregarded.

25th. That at the election held in the 49th militia district of Emanuel County, in this congressional district, you are credited by the managers of said district in their return with having received fifty-eight (58) votes, and I am not credited with a single vote in said militia district. I charge that there were five pretended managers of election at said precinct, instead of three, as the law requires and directs; and that neither of the said pretended managers took and subscribed to the oath prescribed by the laws of Georgia for managers of elections, and that they had administered to them no oath at all; that they were not legal managers; that there was no legal return from said precinct, and no return at all, and that the return made by them was false, fraudulent, and undue, and intended to defeat the popular will in said militia district, and that the said fifty-eight (58) votes so credited to you should be deducted from the return made in your favor.

26th. That at the election held in the county of Burke on the fifth day of November, A. D. 1872, at which a member of the Forty-third Congress was voted or, fraud, deception, and swindling were perpetrated and carried on by the election managers in said county, with the intent and desire to defeat the popular will of the electors of said county, and that the said election managers in every militia district of said county, except the 71st, fraudulently conducted and carried on said election with a willful disregard for the laws regulating elections, by means of which the votes and will of the people could only be ascertained in said county and district. The election managers in all of said militia districts, except the said 71st, at which I received five hundred and ninety (590) votes, and you received twenty-four (24) votes for member of the Forty-third Congress, took out of the ballot-boxes ballots bearing my name for Congress, and substituted in their stead ballots bearing your name for Congress, to the extent of seven hundred and fifty (750) and upward. And I charge that by the frauds aforesaid the will of the voters of said county has been defeated, and the said election managers, instead of giving me five hundred (500) majority in said county, to which I am justly and legally entitled, and which were really cast for me, by their returns have only given me an apparent majority of forty-two (42) votes in said county.

27th. That at the election held at Waynesborough precinct, in said

county of Burke, the same being the county site, where election managers have returned six hundred and ninety-five (695) votes as cast for a member of the Forty-third Congress, five hundred (500) of said votes and upward were cast for me for said office, whereas the election managers there have only credited me with two hundred and twenty (220) votes, and have credited you with four hundred and seventy-five (475) votes. I charge that the said return is false and fraudulent, and does not express and show the votes as cast at said precinct, and that the said election managers, or other evil-disposed persons, with evil intentions, falsely, fraudulently, and illegally took from the ballot-box at said precinct two hundred and thirty-five (235) ballots and upward, with my name on them for said office, which had been legally deposited and cast for me, and substituted the same number of ballots with your name on them for said office, which had not been cast for you, whereby by such fraud my vote there was diminished to the extent of two hundred and thirty-five (235) votes and upward, and yours increased to the same extent, and that the said number of votes should be deducted from the return in your favor, and should be added to the return in my favor, which would give me a majority at that precinct of two hundred and fifty-five (255) votes, to which I claim I am justly entitled; and I further charge that at said precinct on the said day of election the ballot-box containing ballots cast at Waynesborough was left for an hour or more at noon by the managers, and also for the same length of time at night, after the polls had been closed, without any of said managers being present, or having possession thereof, thereby making a chance and opportunity for the said extraction of ballots and the substitution of others as alleged.

28th. That at the 68th militia district in said county, known as Liberty Hill, the managers of election have credited you with having received one hundred and five (105) votes for member of the Forty-third Congress, and have credited me with thirty-five (35) votes for said office. I charge that the return as made by said managers is willfully false and fraudulent, and that I received seventy-four (74) votes and upward for said office at said precinct, and that ballots with my name on them for member of the Forty-third Congress to the number of thirty-nine (39) and upward, which were legally and duly voted and cast by qualified electors for me at said precinct, and deposited in the ballot-box, were falsely, fraudulently and illegally abstracted and taken from said ballot-box by said mangers or other evil persons, and thirty-nine (39) ballots and upward with your name thereon for member of the Forty-third Congress, which had not been cast for you, were deposited in the said box in their stead, and the said managers of election cut my name from quite a number of the ballots cast at said precinct. I claim that I should either be credited with the thirty-nine (39) additional ballots so cast for me, and that the same number of votes should be deducted from the return in your favor, or that the election return and vote of the said precinct, being false, fraudulent, and illegal, the whole return and count should be stricken from the general return and wholly disregarded.

29th. That at said election held at Wayneborough precinct, and in 63d, 65th, 66th, 68th, 70th, 72d, 73d, 74th, and 75th militia districts of said county, and at the voting precincts respectively in each, and at said election in each of the other districts of said county, except in Lawson's district, or the 71st, the managers of the election respectively there held fraudulently conducted and carried on said election with a willful disregard of the laws regulating elections, by means of which the votes

and will of the people could only be ascertained in said districts. The election managers, together with other evil-disposed persons in the said precinct, falsely, fraudulently, and illegally gave you credit in each district for more votes for member of Congress than you received, and deducted the same from the legal votes cast for me by legal and qualified electors at said districts, and sent forward to the board of consolidating managers at the county site false and fraudulent returns of the election held in said districts and precincts, whereby your apparent vote was largely increased and mine diminished in the same ratio. That no legal and just returns of the votes cast at the precincts in said districts were ever made, returned, and consolidated, and that the whole of the returns from all the districts in said county, except the returns from Lawson's, the 71st district, should be rejected, stricken from the general returns, and wholly disregarded.

30th. That, on the morning of the day of said election, John Mack, the republican supervisor appointed for the 67th militia district of said county by the United States district judge in due form of law, and who had accepted said appointment, and was at the election precinct in said militia district for the purpose of supervising said precinct election, was arrested by the deputy sheriff of said county upon the false charge of assault and battery, alleged to have been committed long previous to that time, and carried off to Wayneborough, in said county. That said charge and arrest were false and fraudulent, and made and executed with the intent and desire, on the part of your political adherents, to overawe, intimidate, and prevent legal and qualified voters of said district from voting for me, and to prevent an election from being held at said precinct, and thereby defeat the popular will in said district; and that by such arrest about three hundred (300) qualified electors were intimidated and prevented from voting in said district, all of whom intended to cast their ballots for me for member of the Forty-third Congress, had an opportunity been afforded them; and that by such arrest and intimidation no election was held at said precinct, and I was thereby falsely and fraudulently deprived of about three hundred (300) votes for said office which I otherwise would have received; and I therefore claim that the said three hundred (300) votes should be counted in my favor and added to the general return for me.

31st. That nearly all of the supervisors appointed in and for said county under the election laws of the United States were overawed and intimidated from acting by virtue of the terrorism reigning in said county of Burke, and that actual notices were served by some unknown clan or set of persons upon the supervisors of the seventy-first district and of the Lawtonville district, warning said supervisors that it would not be safe for them to attend at said election.

32d. That at the election held at Lester's district, or Lawtonville, in said county of Burke, after the election had been fairly held and the legal electors had cast their ballots for a member of the Forty-third Congress, the managers, your political adherents and friends, after tallying out one hundred and five (105) votes for me and sixty-five (65) votes for you for said office, refused to count further the votes, cast out the balance of the votes in the ballot-box, and the supervisors of said election, democrat and republican, both finished counting the votes, and found that there were eighty-three (83) additional votes for me and forty-eight (48) additional votes for you in said box, making, in the aggregate, one hundred and eighty-nine (189) votes for me and one hundred and thirteen (113) for you for said office, and thereby giving me a majority of seventy-six (76) votes at that precinct. The said man-

agers at this precinct, being your political friends, fraudulently and illegally failed and refused to make out, certify to, and send forward for consolidation the precinct returns from this precinct, and the same was not in the governor's office at the time you received your certificate. I claim that I should be credited with the one hundred and eighty-nine (189) votes thus received at this precinct, and that the same should be added to the general return in my favor.

33d. That as the consolidated returns of the county of Burke now appear in the office of the secretary of state I am credited with only forty-two (42) majority, as the precinct returns sent forward by said managers show, and I claim the whole to be fraudulent and false. I am entitled to eighty (80) majority instead of forty-two, (42) as credited to me. That the managers made a mistake against me of thirty-eight (38) votes for said office in adding up the precinct returns of said county, as the returns themselves show. I claim that the said thirty-eight (38) votes should be credited to me, and majority increased to that extent in the general return.

34th. That according to the returns from all the counties of this district sent to the governor of the State, and now in the office of the secretary of state, at the time you were declared member elect you had only an apparent majority of sixty-five (65) votes. That since that time the returns from Bailey's precinct, in Camden County, have been forwarded and are now in the office of the secretary of state, by which returns I have a majority of seventy-seven (77) votes for said office, and which should be counted in my favor, thereby giving me a majority of twelve (12) votes in the secretary of state's office, as shown by the returns; to which add the Lawtonville precinct vote in Burke County, and I have a majority of eighty-eight (88) votes, to say nothing of the votes I am entitled to hereinbefore mentioned, which would increase my actual and legal majority to one thousand and nine hundred (1,900) votes and upward.

35th. That fraud and intimidation throughout the whole district were committed and resorted to on the part of your political friends and adherents, which operated against me, and whereby the popular will of the people in said first congressional district was partially defeated in some counties and totally defeated in others.

36th. That, according to the returns in the office of the secretary of state at the time the result of the election in this district was declared, you apparently had eight thousand three hundred and twenty-one (8,321) votes, and I apparently had eight thousand two hundred and fifty six (8,256) votes for member of Congress, which gave you an apparent majority, from the returns forwarded, of sixty-five (65) votes, but which is not true in point of fact. Counting the additional return from Bailey's precinct, in Camden County, which is now in the office of the secretary of state, and which has been forwarded there since your certificate was issued, and at which I had seventy-seven (77) majority, and my apparent majority is twelve (12) votes, as appears by said official return; adding to this Lawtonville precinct, in Burke County, where I had seventy-six (76) majority, and my majority is eighty-eight (88) votes; adding to this the votes actually cast for me, which were not counted in my favor, and my majority is one thousand and nine hundred (1,900) votes and upwards; and deducting and throwing out the illegal vote of Bullock County, and an illegal precinct in Scriven County, and one in Emanuel County, and my majority is between two and three thousand votes.

37th. Having now specified my grounds of contest, I again assert that

the apparent majority in your favor was fraudulent and void, and that at the said election, held on the fifth day of November, 1872, I was, by a large majority, duly elected, and am legally entitled to represent the qualified electors of the first congressional district of Georgia in the Forty-third Congress of the United States.

ANDREW SLOAN.

SAVANNAH, GA., *December* 20, 1872.

STATE OF GEORGIA, *Chatham County:*

Personally came John J. Newton, who, being duly sworn, says that he is well acquainted with Morgan Rawls, who is returned as the member of Congress elect from the first congressional district of the State of Georgia, and who is the person to whom the within and foregoing notice is addressed, and that he did, on the twenty-first (21st) day of December, A. D. 1872, serve a full and complete copy of the foregoing notice upon the said Morgan Rawls, and left it in his possession; that said copy so served was carefully compared by this affiant with this original, and found to be a true and correct copy hereof.

JNO. J. NEWTON.

Sworn to and subscribed before me, this the 24th day of December, A. D. 1872.

[SEAL.] AMHERST W. STONE,
United States Commissioner, Southern District Georgia.

Answer to notice, and grounds of contest.

To Andrew Sloan, contestant in an election held on the 5th day of November, A. D. 1872, for a member to represent the first congressional district of Georgia in the Forty-third (43d) Congress of the United States:

SIR: I deny the allegations and claims, as specifically set forth by you, in your grounds of contest of an election held on the 5th day of November, A. D. 1872, in the counties composing the first congressional district of Georgia, for a member to represent said district in the Forty-third (43d) Congress of the United States, and in which I am returned and declared elected as a member to the Forty-third (43d) Congress of the United States. I shall claim all the rights and privileges of a contestee under the laws of the United States, and such other laws as may be applicable in such cases in this contest.

I claim that I was fairly and legally elected a member of the Forty-third (43d) Congress of the United States, at an election held on the 5th day of November, A. D. 1872, at the legal voting-places in the counties composing the first congressional district of Georgia, as is fully shown by a reference to the consolidated legal returns of election now on file in the secretary of state's office, at the capitol in Atlanta, Ga., and by a proclamation issued by his excellency James M. Smith, governor of Georgia, at the capitol in Atlanta, Ga., on the twenty-sixth day of November, A. D. 1872, declaring and proclaiming me duly elected as Representative of the first congressional district of Georgia in the Forty-third (43d) Congress of the United States, and by a commission or certificate issued to me by his excellency James M. Smith, governor of the State of Georgia, investing me with all the power, rights, and privileges,

as far as in him lies, as a duly elected member of the Forty-third Congress of the United States.

I obtained and claim my election as member of Congress under and by the laws of the State of Georgia as are for such cases made and provided.

I hold and shall insist that any election held or claimed to have been held at any place or places within the first congressional district, on the 5th day of November, 1872, for a member of Congress, that is or are not recognized as legal precincts by the lawful authorities of the counties in which such elections were held, claimed to have been held, to be illegal, null and void, and should not be counted, but should be rejected and wholly disregarded. I further hold and shall insist upon the rejection and disregarding of all election-returns that failed or were not received at the respective court-houses in the counties composing the first congressional district for consolidation within the time prescribed by law.

I shall further insist upon the rejection and disregarding of all votes and election-returns that are not in conformity with law; and charge as follows:

1st. That you and your political adherents premeditated, concocted, and designed this contest prior to and on the day of election held on the 5th day of November, 1872, in the first congressional district of Georgia, at which I was elected a member of the Forty-third Congress, by asserting in the city of Savannah and Burke County, and other places on and before the day of said election, that if I was elected I would not hold my seat in Congress, and by pretending to hold elections in places where no legal voting-precincts existed, for the sole purpose of raising points of contest.

2d. That you and your political adherents have attempted and have succeeded in obtaining certificates and other evidence intended to be used in this contest, by threats of arresting, and have arrested, managers and officers, and other persons connected with the election, under pretended charges of violations of the enforcement act; this was done in the city of Savannah and Burke County, and other places in the first congressional district of Georgia; all of this was done and intended to cause persons to certify and testify in your behalf and intimidate them from giving evidence in my favor.

3d. That you and your political adherents used undue means and fraud to obtain votes for you at an election held on the 5th day of November, 1872, in the first congressional district of Georgia for a member of Congress, by intimating and promising to persons charged with high crimes, under the laws of the United States, to have the prosecutions withdrawn and the indictments quashed if such persons would vote and use their influence for you at said election for member of Congress, and by these influences and frauds you prevented me from receiving five hundred votes in the city of Savannah, one hundred votes in Echols County, and one hundred votes in Emanuel County, making in all seven hundred votes that I would have received in said election for member of Congress had it not been for such undue influences and frauds; and if votes are to be counted that are not included in the consolidated return, and the consolidated returns to be amended, then I shall claim that these votes be added to my credit.

4th. That you and your political adherents, by threats made prior to the election, of the enforcement act upon the reports of supervisors of elections, intimidated and prevented one thousand or more of my political friends from voting for me at the election held on the 5th day of No-

vember, 1872, in the first congressional district of Georgia, for member of Congress; all of which votes I shall claim and ask to have placed to my credit, if the consolidated returns of said election are to be amended by adding votes for you.

5th. That at an election held on the 5th day of November, 1872, in the counties composing the first congressional district of Georgia, for a member of the Forty-third Congress of the United States, you are credited with having received two hundred and five votes, claimed to have been polled at a place called Jeffersonton, in Camden County, when there is no such voting-precinct in the county of Camden. The returns of this claimed election from this place being informal, and showing evidences of fraud at were consolidated with the returns from the legal precincts and votes of the county of Camden, and under protest of three of the consolidating managers at the court-house in said county, and are now to your credit in the consolidated returns of file in the secretary of state's office. I shall ask that this return of election at Jeffersonton, in Camden County, be thrown out and rejected, and totally disregarded, and that two hundred and five (205) votes that are included in the count for you shall be taken therefrom, and that the election claimed to have been held at Jeffersonton, in Camden County, in the first congressional district of Georgia, on the 5th day of November, 1872, for a member of Congress, to be illegal, null and void.

6th. That at an election held on the 5th day of November, 1872, in the first congressional district of Georgia, for a member of the Forty-third (43d) Congress of the United States, you received two hundred or more illegal votes in the different voting-precincts in Camden County, for member of Congress, which votes were placed and are now standing to your credit in the consolidated returns of said election. These are votes of persons who had not paid taxes. I shall ask that these votes be taken from those counted to you in said election, and rejected from the consolidated returns of the aforesaid election.

7th. That at an election held on the 5th day of November, 1872, at Trader's Hill, in Charlton County, in the first congressional district of Georgia, for a member of the Forty-third Congress, you received and are credited with one hundred and forty-seven (147) votes at said place. One hundred or more of these votes I hold to be illegal, and shall insist on having these one hundred or more illegal votes taken from those credited to you in the consolidated election returns from Charlton County, and rejected from, and wholly disregarded in, the count of the votes polled at the election held as aforesaid, as being illegal, null and void. These one hundred or more votes were polled by persons who had not paid poll-tax, and who were not citizens of Charlton County, nor of the State of Georgia, and by persons under the age of twenty-one years.

8th. That I received votes at the election held on the 5th day of November, 1872, at the legal voting-precincts in Charlton County, for member of the Forty-third (43d) Congress, numbering seventy-five or more votes, that were not counted for me in the consolidated returns of the election held in Charlton County, nor have been credited to me in anywise, all of which votes I shall insist on having counted for me and placed to my credit, if the consolidated returns of the aforesaid election are amended for you. These seventy-five or more votes were polled for me at legal precincts within the lawful time and manner of holding elections by persons legally entitled to vote, but failed to be and were not sent to the court-house in Charlton County within the time prescribed by law.

9th. That at an election held on the 5th day of November, 1872, in

the counties composing the first congressional district of Georgia for a member of Congress, you are credited with having received three hundred and thirty-nine (339) votes at Riceborough, in Liberty County, in said district, all of which votes were counted in your favor, and are now standing to your credit in the consolidated returns of said election, which votes I shall ask to be taken from those counted to you in the consolidated returns, and to have them rejected and totally disregarded, and the election held at that place and time declared illegal, null and void, because your political friends did at Riceborough, in Liberty County, Georgia, on the aforesaid day of election, surround, crowd, and take charge of the ballot-box and place of voting, and held the same for your exclusive benefit, and to the exclusion of all my political friends during the time for voting; and your political friends did then and there, by their illegal, forcible, and fraudulent conduct, prevent and hinder my political friends from voting for me for member of the Forty-third Congress, thereby causing me to lose one hundred or more votes I would have received had my political friends been not thus prevented from voting for me by the illegal and violent conduct on the part of your political friends, and because you received votes at said precinct on the day of said election, numbering one hundred or more, from persons who were not entitled to vote under the constitution and laws of Georgia, and because the managers of the election at Riceborough failed and did not hold and return the election at that place according to law, the returns of said election being informal and illegal. No tally-sheets were kept at or sent up from said precinct, thereby destroying the mode of having fraud and mistakes in the count of votes detected and corrected. The list of voters does not show where nor when the election was held, and is not certified to nor signed by any of the election managers.

10th. That at an election held on the 5th day of November, 1872, in McIntosh County, Georgia, for member of Congress, you received one hundred or more illegal votes polled by persons who had not paid poll-tax, and by persons under the age of twenty-one years, and by persons not citizens of McIntosh County, nor of the first congressional district of Georgia; all of which one hundred or more illegal votes I shall ask to have taken from the number of votes counted for and credited to you in the consolidated returns of the election held in the first congressional district as aforesaid, if said returns are amended in your favor.

11th. That at an election held on the 5th day of November, 1872, in Glynn County, in the first congressional district of Georgia, for a member of the Forty-third (43d) Congress of the United States, you received one hundred and fifty or more illegal votes, which are counted for you and placed to your credit in the consolidated returns of said election. These one hundred and fifty or more illegal votes were polled by persons who had not paid lawful taxes, and by persons under the age of twenty-one years; all of which one hundred and fifty or more illegal votes I shall ask to have taken from the votes counted and credited to you in the consolidated returns of the aforesaid election, if said returns are amended for you.

12th. That at an election held on the 5th day of November, 1872, in the city of Savannah, in the first congressional district of Georgia, for a member of the Forty-third (43d) Congress of the United States, you received four hundred or more illegal votes, which were counted for you and placed to your credit in the consolidated returns of said election. These illegal votes were polled by persons who had voted once and more times at the same election and on the same day, and by persons who

had not paid lawful taxes that had been demanded of them, and which they had an opportunity of paying. All of which four hundred or more votes I shall ask to have taken from the number of votes counted for you, and now standing to your credit in the consolidated returns of the aforesaid election, if the consolidated returns of said election are attempted to be amended in your favor.

13th. That at an election held on the 5th day of November, 1872, at the precinct in the two hundred and fifty-ninth militia district in Scriven County, in the first congressional district of Georgia, for a member of the Forty-third (43d) Congress of the United States, I received thirty-one votes and you received four votes, making a majority in my favor of twenty-seven votes, which are not counted for me, nor credited to me in the consolidated returns of said election, and all of which votes were regularly polled by legal voters and at a lawful place of voting in said county of Scriven; it being the two hundred and fifty-ninth militia district in the county of Scriven. These votes are not included in the consolidated returns of Scriven County for some slight informality in the precinct returns, but which I shall insist on having counted and placed to my credit, if the consolidated returns of the aforesaid election are attempted to be amended in your favor.

14th. That at an election held on the 5th day of November, 1872, in the (71st) seventy-first militia district in Burke County, in the first congressional district of Georgia, for a member of the Forty-third Congress of the United States, you are credited with having received, and have placed to the count in your favor in the consolidated returns of the election held as aforesaid in Burke County, five hundred and ninety (590) votes, and I am credited with twenty-four (24) votes, when the tally-sheet does not show but one hundred and ten (110) votes for you and twenty-four (24) votes for me, thereby showing fraud, illegality, and informality in said election. I hold and shall insist that there was no legal election held in the (71st) seventy-first district in Burke County, Georgia, on the 5th day of November, 1872, for a member of the Forty-third Congress of the United States, and that one hundred and ten (110) votes claimed to have been polled at that precinct were polled by persons who had not paid the poll-tax required of them, and by persons under the age of twenty-one years, and that the returns of the pretended election in the (71st) seventy-first district of Burke County were not sent to and received at the court-house in Burke County within the time prescribed by law, but said votes were put in the consolidated returns of Burke County, and five hundred and ninety (590) of these claimed votes now stand to your credit in said returns; all of which I shall ask to have taken from the votes standing to your credit in the consolidated returns of election, and that the election in said militia district be declared null and void, or shall insist on the counting of only such votes as are verified by the tally-sheet, if the consolidated returns of election are attempted to be amended in your favor.

15th. That at an election held on the 5th day of November, 1872, in the county of Emanuel, in the first congressional district of Georgia, for a member of the Forty-third Congress of the United States, at a place called Scotland, you are credited with nineteen (19) votes, and I am credited with ten (10) votes; all of which I hold to be illegal, null and void, there being but two managers of said precinct election, and these two failed to make and sign the oath required by law. I shall insist that these nineteen (19) votes be taken from the votes counted for you in the consolidated returns of the aforesaid election, if the consolidated returns of the election are attempted to be amended in your favor.

16th. That at an election held on the 5th day of November, 1872, in the counties composing the first congressional district of Georgia, for a member of the Forty-third Congress of the United States, one thousand or more persons were prevented from voting for me for member of the Forty-third Congress by a failure on the part of your political adherents and other persons to open and hold an election at the several voting places in the first congressional district, but at which no elections were held, and where many of my political friends went to vote for me, but did not vote for the reasons stated above; all of which I shall insist on having counted for me, if the consolidated returns of elections are attempted to be amended in your favor.

17th. That at an election held on the 5th day of November, 1872, in the counties composing the first congressional district of Georgia, at which you and I were voted for, and at which I am returned duly elected Representative to the Forty-third Congress of the United States, by a legal majority of the consolidated votes in the first congressional district of Georgia of thirteen hundred and forty (1,340) votes, as will be shown by reference to the returns of the election aforesaid, now of file in the secretary of state's office, and to add the votes that were polled for me that are not included in the consolidated election returns, would increase my majority to fourteen hundred and forty (1,440) or more votes, and to add seven hundred (700) or more votes that I failed to have received by frauds, bribes, and intimidations practiced and used by you and your political adherents in promising to settle charges for crimes, and the large number of votes that would have been polled for me, one thousand or more, had the polling precincts in the congressional district been opened and presided at, my majority would have been increased to three thousand one hundred and forty (3,140) or more votes, and to add the one thousand or more votes I would have received but for threats made by you and your political adherents of the use of the enforcement act, and my majority would be four thousand one hundred and forty (4,140) or more votes; and take from you all the illegal votes counted and consolidated for you, numbering two thousand one hundred and three (2,103) or more votes, and my majority would be increased to six thousand two hundred and forty or more votes.

I however hold and claim that the only votes that can be counted are those that are included in the consolidated returns of the aforesaid election by the managers of the election at the respective court-houses in the counties composing the first congressional district of Georgia, and of which votes I have a large majority.

Upon the justice of my claim and laws of the State I rest my case.

MORGAN RAWLS.

GUYTON, GA., *January* 18, 1873.

Received the answer on Saturday night, the 18th day of January, 1873, about 9 o'clock p. m., at the hands of A. B. Smith, solicitor-general eastern circuit.

[SEAL.] ANDREW SLOAN.

EXHIBIT B.—*Notice to take depositions.*

In the matter of the contested election for a member of Congress from the first congressional district of Georgia, in the House of Representatives of the Congress of the United States for the Forty-third Congress:

SAVANNAH, GA., *January 25th*, 1873.

SIR: You are hereby notified that in pursuance of an act of Congress entitled "An act to prescribe the mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, and later laws of Congress in reference thereto, it is my intention to examine witnesses before John J. Newton, a notary public, under and by virtue of the appointment to said office, in the county of Chatham, State of Georgia, the said John J. Newton residing within the said first congressional district of Georgia, and being duly authorized by said acts to examine such witnesses, or before some other person or persons duly qualified, at my office, over the bank, corner of Drayton and Bryan streets, in the city of Savannah, in the county of Chatham, in the State of Georgia, in the above matter, on Wednesday the 5th, Thursday the 6th, Friday the 7th, Saturday the 8th; also, on the third and fourth days of February, A. D. 1873, at eight o'clock in the forenoon of each of said days, and between the hours of eight o'clock in the forenoon and ten o'clock p. m., and to be continued without interruption, except by necessary adjournments, during all of said period of time, or so much thereof as may be necessary to examine the following witnesses, to wit:

Isaac M. Marsh, M. T. Quinan, Ja's G. Watts, Sigismund Elsinger, Ch'r's O. Lamotte, Isaac Russell, C. C. Casey, Jno. R. Hamlet, Levi S. Hart, B. F. Sheftall, A. S. Canust, R. A. Pollard, Alf J. Blois, B. A. Denmark, N. J. Darrell, R. Warnok, Fayette J. Hoorne, J. P. Carr, B. F. Gray, W'm Coolidge, King S. Thomas, L. J. Moody, Jno. A. Staley, L. C. Rice, Isaac Seeley, Lewis Bennett, Ja's Porter, Avery Smith, W'm J. Clements, Jno. O. Ferrell, Moses Sinquefield, Jno. G. Clark, Jno. J. Newton, J. McPherson Berrien, M. H. Meyer, I. K. Munnerlyn, Louis A. Falligant, Francis Blair, Samuel D. Dickson, W. W. Paine, Amherst W. Stone, Elijah Chapman, Henry Bieber, George Crabtree, James Davis, W. A. Wright, Fred Miller, John G. Blitch, George G. Wilson, all of Chatham County; John Collins, of Glynn County; G. P. Brown, Lewis Birney, Richard Arnett, all of Scriven County; Hamp Davis, F. P. Miller, John W. Wilson, Homer Blitch, of Savannah, Ga.; Joseph Shepard, E. A. McWhorter, Henry Underwood, Ned Andrews, all of Camden County; D. G. Cotting, of Fulton County, Georgia.

Respectfully yours,

ANDREW SLOAN.

To MORGAN RAWLS, Esq.,
Guyton, Ga.

This notice is given in accordance with the agreement entered into between us, Jan'y 25th, 1873.

ANDREW SLOAN.

Exhibit B.

SAVANNAH, GA., *January 25th*, 1873.

We hereby acknowledge due and legal service of the within notice to take depositions, and list of witnesses, and also acknowledge the reception of a copy of this notice, said acknowledgments being made under an agreement this day made between contestant and contestee in our

presence, and full authority having been given us by contestee so to acknowledge service.

SMITH & BECKS,
Att'ys for Contestee.

Signed in my presence, Jan'y 25, 1873.

JNO. J. NEWTON,
Notary Public.

EXHIBIT C.—*Agreement between Andrew Sloan, contestant, and Morgan Rawls, contestee, Savannah, January* 25, 1873.

In the matter of the contested election for a member of Congress from the first congressional district of Georgia, in the House of Representatives of the Congress of the United States for the Forty-third Congress.

It is agreed by and between said contestant and said contestee, that John J. Newton, a notary public in and for the county of Chatham, in said first congressional district, shall be the officer before whom the entire testimony of contestant in this contest may be taken; and that the said John J. Newton may take contestant's testimony anywhere in said district, and in any county thereof, in which said contestant may desire to take said testimony. The said contestee, Morgan Rawls, may, if he chooses, select any qualified officer under the law to sit and act with said John J. Newton in taking said testimony, and when the said contestee begins to take his testimony he may select any person qualified under the law to act; and the contestant, Andrew Sloan, can select any qualified person to act and sit in conjunction with said officer in taking said contestee's testimony. Contestee also waives the service of the list of contestant's witnesses in Chatham County, and the time and place of taking testimony in said county, and consents that contestant may serve the same on Messrs. Smith & Becks, contestee's attorneys, on Monday, the 27th of January, A. D. 1873, and that contestant may commence the taking of his testimony in Chatham County, on Monday, the third day of February, A. D. 1873, at the office of said contestant.

MORGAN RAWLS,
Contestee.
ANDREW SLOAN,
Contestant.

Testimony of contestant.

STATE OF GEORGIA,
Chatham County:

And now, on this, the 3d day of February, A. D. 1873, comes John J. Newton, notary public in and for the county of Chatham and State of Georgia, pursuant to the notice of Andrew Sloan, esq., contestant, served upon Morgan Rawls, esq., contestee, and, under the agreement of the said parties, the said Newton residing in the first congressional district of the State of Georgia, and examines the following-named wit-

nesses in the case of Andrew Sloan *vs.* Morgan Rawls, in the matter of the contest for a seat in the House of Representatives of the United States of America, in the Forty-third Congress, from the first congressional district of the State of Georgia, no clerk being present or sworn, and the said Newton reducing the testimony of said witnesses to writing.

In the matter of the contested election in the first congressional district of Georgia, for a seat to represent said district in the House of Representatives of the United States of America, Forty-third Congress.

Depositions of witnesses taken before John J. Newton, notary public in and for the county of Chatham, State of Georgia, residing in the first congressional district of the State of Georgia, at the law-office of Andrew Sloan, on the corner of Drayton and Bryan streets, in the city of Savannah, county of Chatham, State of Georgia, on the part of Andrew Sloan, contestant, on the 3d day of February, A. D. 1873.

Parties present, Walter C. Becks, of counsel for contestee, and Andrew Sloan, contestant, for himself, and the witness, Dr. B. F. Sheftall; also, Morgan Rawls, contestee, and his son, Homer Rawls.

Contestant presents in evidence his notice and ground of contest, which are annexed hereto, marked "Exhibit A;" also his notice of time and place of taking testimony at this point, together with a list of witnesses, which is annexed hereto, marked "Exhibit B." Contestant also offers in evidence agreement between contestee and contestant, which is annexed hereto, marked "Exhibit C."

Dr. B. F. SHEFTALL sworn:

Question. Were you one of the managers of election at the court-house in the city of Savannah, held on the 5th day of November, 1872, for presidential electors and member of the Forty-third Congress? If so, how many ballot-boxes were there in the court-house; how were they designated and located? and at which did you preside?—Answer. I was one of the freeholders, and presided at the election. There were four ballot-boxes in the court-house, situated as follows: Two in the hall-way, one on York street, south side of the court-house, one on President street, north side of the court-house. I presided at the one on York street, south side of the court-house.

Question. Were those boxes separate and distinct from each other? and was voting carried on at all of them at the same time?—Answer. They were. Voting was going on at all the boxes at the same time.

Question. Were you one of the managers consolidating the court-house vote, and were the precinct returns of the votes cast in the outside precincts of Chatham County consolidated with the court-house vote?—Answer. I was one of the managers that consolidated the returns of the votes cast at the court-house. The votes received at the so-called precincts in the county of Chatham, known as Chapman's House, Isle of Hope, and Cherokee Hill, were not consolidated with the city vote. The returns from the country precincts were returned to the city managers after 12 o'clock m., the day after the election.

Question. Were not these country returns offered to the city managers for consolidation on the night of the election in the city court-room when the vote of the city was being counted out?—Answer. I saw several packages or bundles of papers which were said to be the vote of

the so-called precincts, which were not in any ballot-boxes, were presented by the so-called managers of those precincts.

Question. Were you at your ballot-box at the opening of the polls at said election?—Answer. I was, from the opening of the ballot-box on York street; was relieved at different times by freeholders or magistrates until six o'clock, when the polls closed.

Question. How much of the day, while balloting was going on at your box, were you absent therefrom?—Answer. About three or four hours. There was a sufficient number of freeholders that were sworn in to preside at the different ballot-boxes, and also to relieve each other. The time I was absent from my box was to go to my meals, which was in the court-house, in a room used as a grand-jury room. At other times I would take a walk for recreation around the court-house. There were always two freeholders and a magistrate that presided at the box on York street. I was relieved by Francis Blair, M. H. Myers, and Isaac M. Marsh. No voter was debarred from voting. If the vote was objected to by a challenger, the voter was sworn as per oath prescribed in the code of Georgia, and his vote deposited in the ballot-box. The box that I presided at was conducted by the managers impartial to both political parties. The democratic and republican parties had their challengers to object to voters. The republican challengers objected to as many or more voters than the democratic challengers did. After the polls was closed at 6 o'clock, the ballot-boxes were immediately closed and taken charge of by the managers, carried into the vault in the office of the clerk of the superior court, and sealed up and left there with the sheriff and his posse to guard them. The returns of the so-called precincts (if I am not mistaken) were left in the office of the district attorney, in the custom-house. There was a guard of colored men who guarded the outside. The office was occupied by Colonel Sloan, contestant.

Question. Do you know, of your own knowledge, if there was either a guard placed outside the custom-house, or that the country-precinct returns were ever in the office occupied by the district attorney—ever in my possession, or ever seen by me?—Answer. I do not know, of my own knowledge. I saw a guard in the hall-way.

Question. Who was that guard, and at what time did you see him there?—Answer. I do not know his name; think the time was about between ten and twelve o'clock of the morning succeeding the election.

Question. Do you know where the district attorney's office is in the custom-house building?—Answer. I see the name of district attorney over the door of an office on the north side of the stairs, which I suppose to be his office.

Question. Were you a democratic manager of the election, and what were the politics of the other managers at the city election?—Answer. I am. When I take an oath to conduct an election as a freeholder, I consider myself neither a democrat nor republican, but an impartial judge.

Question. What were your politics then, and what are they now?—Answer. I am a conservative.

Question. Did you or not vote the republican ticket?—Answer. I refuse to answer.

Question. Were the managers of the election in the city known as democrats or republicans?—Answer. Two or three were conservatives. I do not know what the others were.

Question. What was the number of your box, and did or not one of the

Federal supervisors continuously remain at said box while the balloting was going on?

Answer. Do not recollect; S. D. Dickson was there all day as Federal supervisor at the box on York street, and no other. Colonel Payne was also a Federal supervisor, was sitting in the hall-way supervising all the boxes.

Question. Was your position such that you could see Colonel Payne during the entire time the balloting was going?—Answer. I always saw him there when I turned my head.

Question. Is or not the court-house in Savannah located in one militia district, and one only?—Answer. Yes; in the third district.

Question. How many managers were engaged at the same time in holding the election at the court-house?—Answer. There were always three at my box, do not know about the others.

Question. What boxes were you present at when the vote was counted in the city, where were they counted, who assisted in the count, and what room was it in?—Answer. Two, which were in the superior-court room; the other two were counted in the city-court room, the two rooms mentioned being situated opposite each other in the court-house.

Question. Was not the counting carried on in both of said rooms at the same time?—Answer. I do not know.

Question. Were separate and distinct poll-lists kept at each box, and were four tally-sheets made in counting out the vote, or were there only two, one in each room?—Answer. A list was kept for the names of the voters that voted at my box. I believe that the other boxes were governed by the same rule; the lists were numbered from one upwards, and the tickets numbered accordingly to correspond with the lists. I believe this was done at all the other boxes. I think there was one tally-sheet for each box. I am not positive.

Question. Who else was present of the managers in the superior-court room with you in conducting the count of those two boxes?—Answer. John R. Hamlet, C. O. Lamoth, Francis Blair; do not recollect the names of the other two. I was mistaken about my box being counted out in the superior-court room; it was in the city-court room.

Question. Were you present during the entire count of the vote of the two boxes in the city-court room where you were presiding?—Answer. I was at the count of the box at which I presided; was present part of the time while the count of the other box was going on.

Question. Did you make out for your box a separate and distinct return of the votes cast in it, and did you or any of the managers return the same to the county-site managers as a separate return for consolidation, and was it consolidated as a separate return?—Answer. Did not; they were not consolidated separate, but were all consolidated as one return, one precinct; there were four ballot-boxes for the accommodation of voters; they were considered as only one precinct.

Question. How many managers officiated in consolidating the city vote cast at the court-house?—Answer. To the best of my knowledge and belief they all signed the consolidated return of the votes cast at the court-house in the city of Savannah.

Question. Were you present when they all signed?—Answer. No.

Question. What class of voters voted at the York-street box?—Answer. Black and white.

Question. Did you allow, while acting as manager there, any one to vote whom you knew to be an illegal voter?—Answer. I refuse to answer on account of being arrested for answering a similar question under the enforcement act.

Cross-examined by Walter C. Beeks, esq.:

Question. Were the four ballot-boxes, where the voting was carried on, within the walls of the court-house building in Savannah, Chatham County, and what was the object in having more than one ballot-box?—Answer. Yes, they were within the walls of the court-house; the object of having them there was for the convenience of voters, or that no voters might be debarred the privilege of voting.

Question. By whose authority were these four ballot-boxes ordered to be erected, and when were they erected?

(OBJECTION.—The contestant objects to the question and answer, on the ground that the election precinct or voting-place at the court-house is established by law, and no authority is given to any one except the legislature of the State to abolish, change, or modify the same.

Contestee insists that these four ballot-boxes are in accordance with law and custom.)

Answer. By the authority of the ordinary of Chatham County; they were established, to the best of my knowledge, about three or four years ago; am positive as to two years ago when I first voted.

Question. Had there been any election held at the court-house since the four ballot-boxes were established, before the election held on 5th day or November, 1872; if so, how many, and for what purposes were they held?—Answer. Yes, there had been elections held at the four ballot-boxes since they were established, and before the election held on the 5th November, 1872. There were two elections held before the 5th day of November, 1872, for governor, members of the legislature, and county officers. All the elections except city elections have been held at the court-house for the last three or four years.

Question. Were these four ballot-boxes so situated in the court-house that any three of the managers could have overlooked them at any time during the election?—Answer. Yes, they could.

Question. Is it customary, at elections, for managers to relieve each other during the election?

(OBJECTION.—Contestant objects to the question, on the ground that that matter is controlled by the law.

Contestee insists that the question be answered, and that no law has been violated by conforming to the usual custom of holding elections.).

Answer. Yes, it is customary in this city and county for managers to relieve each other during the time elections are being held.

Question. Were all of the managers at any one ballot-box relieved at the same time during the day while voting was carried on at said election?—Answer. No.

Question. Why were the votes of the so-called country precincts rejected and not consolidated with the vote at the court-house?—Answer. On the ground that those precincts were abolished after the election of 1868, which precincts were only established for said election, and that the ordinary of Chatham County did not create any precincts for the election of 5th day of November, 1872, and that the managers of the said so-called precincts were not freeholders; the only voting-place established by the ordinary was at the court-house in the city of Savannah.

(OBJECTION.—Contestant objects to all statements made in the foregoing answer, as to what precincts the ordinary established or abolished, the ordinary's records and minutes being the best evidence of his official acts.

Contestee holds that the answer is competent to show the cause why the said managers refused to receive the said precinct vote.)

Question. Have you been arrested for your management at said elec-

tion, as a manager of the same? If so, by whom were you arrested and when?—Answer. I was arrested under three warrants issued by A. W. Stone, on the affidavit of three colored men; one, George Dolly, who was convicted of larceny; the other two I do not know. I was arrested by officers Blanch and Smith, United States deputy marshals. I was arrested once on the day after the election, and twice the succeeding day. I was arrested on account of not letting illegal voters vote.

(OBJECTION.—Contestant objects to the foregoing answer as illegal and irrelevant, and especially to the grounds of arrest, the affidavit and warrant being the best evidence thereof. Contestee holds that he has a right to draw out of the witness anything pertaining to the election.)

Question. What became of the votes cast at the so-called country precincts, on the day succeeding the election?—Answer. They were carried into the custom-house. I saw them go in while I was at the post-office.

Redirect:

Question. About what is the voting population of Chatham County?—A. I do not know.

BENJAMIN T. SHEFTALL, *M. D.*

Sworn and subscribed this the 3d day of February, 1873.

[SEAL.] JOHN J. NEWTON,
Notary Public.

S. ELSINGER sworn:

Question. Were you one of the managers of election, at the election held on the 5th day of November, 1872, for presidential electors and a member of the Forty-third Congress, at the court-house in the city of Savannah? If so, how many boxes were used at the court-house in said election, and at which did you preside?—Answer. I was one of the managers. There were four boxes inside the court-house. I presided at the box on the left-hand side of the Bull-street entrance; do not remember the number of the box.

Question. Did you preside continuously at that box, from the opening of the polls until they were closed? If not, what portion of the day were you absent from your box while the balloting was going on?—Answer. Not continuously. I was absent principally during meal-times from the box I was designated to preside at; I was absent about five hours.

Question. Did you preside at any other box during that day, save the one you have just above referred to? If so, what box was it, where located, and how far from your original box?—Answer. Yes, I presided at the box on the same side during the absence of Manager Levi S. Hart; it was about twenty feet from my original box.

Question. Were the ballots cast during your absence from either of those boxes exhibited to you upon your return to act as manager, or were they deposited in the ballot-box during your absence when received?—Answer. They were not. I suppose they were put in the ballot-box.

Question. You, then, saw neither the ballots cast, nor the persons voting them, during you absence from the ballot-boxes referred to?—Answer. I did not.

Question. Was not the voting carried on continuously during said day of election at all four of the ballot-boxes in the court-house, during the

legal hours of voting?—Answer. The voting was carried on continuously during the legal hours of voting.

Question. Were the four boxes separate and distinct from each other, with managers for each, and with separate and distinct poll-lists, numbered from one upwards at each box?—Answer. The boxes were separate and distinct from each other; the managers were not for any one, but for all. The managers, in accordance with arrangements theretofore agreed upon, relieved each other when called upon by one another. The poll-lists were numbered from one upwards at each ballot-box; I think they were numbered in that manner.

Question. How many managers officiated in holding said election, and how many did it take to hold the same at the court-house at one time?—Answer. I do not know how many officiated; cannot recollect. I do not know how many were present at the four boxes together at any one time.

Question. Were there three managers at the two boxes respectively at which you presided while you were there?—Answer. At first there were three managers, I think; I mean at the President-street box there were two magistrates and one freeholder. The other box, at which I presided, there were one magistrate and two freeholders.

Question. How far were the other two ballot-boxes from the one you have just testified about, and what was their relative position and location?—Answer. Each of the four boxes was about from fifteen to twenty feet apart.

Question. Were you one of the managers consolidating the vote cast at said election at the court-house for Congressman from this district?—Answer. I was.

Question. How many managers assisted in that consolidation?—Answer. I can recollect thirteen.

Question. Were you present at the closing of the polls, and at the commencement of the count?—Answer. I do not think I was present at the closing of the polls; do not recollect whether I was present at the beginning of the count.

Question. Were you present all the time the count was going on of the votes cast at the court-house?—Answer. I was not.

Question. How much of the time were you absent therefrom while the count was going on?—Answer. Do not recollect exactly; was absent a considerable part of the time.

Question. Can you state what number of ballots you assisted in counting and in what boxes were they?—Answer. Cannot state how many I assisted in counting. If I did assist in counting, they were from the boxes on the left-hand side of the main entrance to the court-house.

Question. You are sure you signed the consolidated return?—Answer. I am.

Question. Was the original box at which you presided counted out separately by the presiding managers thereof, a separate and distinct return thereof made by said presiding managers, and a separate and distinct tally-sheet thereof kept? If so, was this separate and distinct return presented to the board of consolidating managers for consolidation?—Answer. I do not recollect; no separate return was made as I know of; do not know that a separate tally-sheet was kept.

Question. Did any single one of the managers at your box on President street, north side of the court-house, continuously preside, during said day of election, in holding the election at the court-house, at that ballot-box; and did any one of them, or either of them, continuously remain and assist in counting the ballots from that box while the count

was going on?—Answer. I do not know any one of them presided continuously; I do not know that any one of them remained continuously at the counting of the ballots from that box.

Question. Were not more votes cast in the box on the north side of the court-house than in any of the others, and did not the larger number of voters at that box consist of white voters?—Answer. Do not recollect whether there were more votes cast in that box than in any other. I think the larger number of the voters at that box were white voters.

Question. Did either of the Federal supervisors of election supervise the voting at that box?—Answer. I think Captain Payne was in the neighborhood of the two boxes; am positive as to seeing him several times.

Question. Was not Captain Payne the democratic supervisor, and did he remain at either one of the ballot-boxes referred to during the whole time the balloting was going on thereat, and did he give his personal attention thereto during that time?—Answer. As far as I know, he was the democratic supervisor; I do not think he remained all the while at either one of the two ballot-boxes.

Question. At what box did S. D. Dickson, the republican supervisor, stay and inspect while the balloting was going on?—Answer. As far as I know, Mr. Dickson staid on the south side of the court-house.

Question. Was he with your boxes at any time during the balloting?—Answer. He was not, to my recollection.

Question. Were there any other voting precincts in the city of Savannah at this election than at the court-house?—Answer. No other in the city of Savannah.

Question. Is not the court-house in the city of Savannah all in one militia district?—Answer. The court-house? I do not know in what militia district it is exactly.

Question. Were the votes of the three country precincts outside of the city of Savannah, known as Chapman's House, Isle of Hope, and Cherokee Hill, consolidated by you and the other court-house managers with the vote cast at the court-house at said election?—Answer. They were not consolidated.

Question. Were they offered for consolidation by the managers at said precincts?—Answer. They were offered.

Question. When were they offered for consolidation?—Answer. At the proper time as prescribed by law.

Question. Where were they offered for consolidation?—Answer. At the court-house.

Question. What were the political sentiments of the managers who held said election at the court-house?—Answer. I cannot tell positively.

Question. What were their reputed political sentiments?—Answer. Majority I think were democrats.

Question. Do you know of a single member of the republican party on that board of managers?—Answer. There were two of the managers whose reputed sentiments were republican.

Question. Who were they?—Answer. One of them was myself, and the other was Dr. Falligant.

Question. Were not you and Dr. Falligant supporters of Horace Greely in the late presidential contest?—Answer. I myself was, but cannot answer for Dr. Falligant.

Question. If you were not present during the casting of the ballots at either of the boxes on the north side of the court-house, of the main entrance, continuously, and were not present at all at the two boxes on the south side of the main entrance, and were also not present at the

counting of the votes, and neither counted them nor saw them counted, how was it that you were able to make a certificate, as consolidating manager, of the vote cast and counted at the court-house in said election?—Answer. Because I was present a greater part of the time the balloting was going on, and because, knowing the managers to be honest men, having presided with them in elections before, had confidence in them.

Question. Your certificate to the consolidated return of the vote at the court house was based upon your confidence in the other managers, and not upon your own personal knowledge and actual count?—Answer. It was based upon my confidence in the other managers.

Question. About what is the voting population of Chatham County?—Answer. About 6,000, I think; do not know.

Cross-examined by Walter C. Beeks:

Cross-question. Were the four ballot-boxes inside the court-house in the same hall, and could any three of the managers overlook the four ballot-boxes at the same time?—Answer. The boxes were in the court-house, in the same hall. Any three of the managers could have overlooked them all at the same time.

Cross-question. Were there always three of the regular sworn managers present at each of the ballot-boxes during the voting that day?—Answer. Not always three; were generaly two at each box.

Cross-question. Was there any time, during the election that day, that there was not as many as three of the regular sworn managers present in the court-house and superintending said election?—Answer. There were always three and more present.

Cross-question. When were these four ballot-boxes established; by whose authority were they established; and what was the object in having four ballot-boxes?—Answer. I think they were established in 1870 or 1871, by the authority of the ordinary of the county. The object of having four ballot-boxes was for the convenience of voters outside of the city; as stated by the ordinary.

(OBJECTION.—Contestant objects to any statements of the ordinary.)

Cross-question. Were there ever any elections held before the said election in the court-house when four ballot-boxes were used; and if so, what elections?—Answer. Yes, there were elections held before when four ballot-boxes were used; they were State elections and county elections, and city elections, also, where three ballot-boxes were used.

Cross-question. Is it customary among managers of elections to interchange and relieve each other at the different ballot-boxes?

(OBJECTION.—Contestant objects to the question and answer thereto, upon the ground that it is illegal, and the management of elections in Georgia is controlled entirely by law.)

Answer. It is customary for managers to relieve each other.

Cross-question. Was not the consolidated vote of the four boxes at the court-house the vote of but one election precinct, and was not the aggregate number of the votes cast at the court-house made up as one return?

(OBJECTION.—Contestant objects to any statements of witness as to what constitutes a precinct, that being shown by higher evidence.)

Answer. The ordinary established the city of Savannah as one precinct for the county. The four ballot-boxes were consolidated as one precinct; and the aggregate number of the votes cast at those boxes were made up as one return.

(OBJECTION.—Contestant objects to any statements of the witness

as to the orders of the ordinary; the records and minutes of the ordinary's court being the best evidence thereof.)

Cross-question. Why were the votes of the three country precincts not consolidated by the managers at the court-house with the votes cast at the court-house?—Answer. Because the court-house managers, or a majority of them, considered these precincts illegal.

Cross-question. Where have the several last elections held in the county of Chatham for governor, members of the legislature, and for all other officers elected by the votes of Chatham County, been held?—Answer. At the court-house in the city of Savannah.

Cross-question. Did the political sentiments of the managers of said election have any influence on the management of said election, and was not said election fair and impartial?—Answer. I do not think that their political views biased them in their management of the election; and as far as I know the election was conducted fairly.

Cross-question. Do you know the political sentiments of the managers of the three so-called country precincts; and if so, what are they?—Answer. I know some of them; they are reputed as republicans.

Cross-question. How long were you absent from the court-house at any one time during the day of election?—Answer. From a half to one hour.

Cross-question. Could you have seen the ballot of any voter, if you had remained at any one box during the whole time of the voting, sufficiently well to have known whether it was a legal ballot?—Answer. I could not see the inside of the ballots as voted.

Cross-question. Were you arrested for your management at said election, as a manager of the same? If so, by whom and when?

(OBJECTION.—Contestant objects to the question as irrelevant.)

Answer. Yes; I was arrested by Deputy United States Marshal Smith, after the election; do not remember date; think it was 6th or 7th of November.

Redirect:

Question. Are you still under bonds under the warrant above spoken of?—Answer. Yes; I am yet under bond.

Question. When you spoke of the custom, in your cross-examination, of managers of election relieving each other, did you not mean to confine the custom to elections held in the city of Savannah?—Answer. The custom is confined to Savannah, and Laurens County, where I resided before I came to Savannah, so far as my knowledge goes, never having presided at elections in any other county.

Question. Are you not mistaken, in your cross-examination, when you say that at the election held in 1870, for a member of Congress from this district, that there were four ballot-boxes at the court-house in this city?—Answer. I may have been mistaken; cannot recollect.

Question. Were not elections held in 1868 at the three precincts above referred to in the county, at which presidential electors and a Congressman were voted for?—Answer. Yes; an election was held at those precincts in 1868, but none since, so far as I know, and no election for Congressman was held at those precincts in 1870.

SIG'MUND ELSINGER.

Sworn and subscribed before me February 3, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

Having met pursuant to adjournment, at 9 o'clock a. m., this February 4th, 1873, at the office of Andrew Sloan—present, Jno. J. Newton, notary public; Walter C. Beeks, of counsel for contestee; and Andrew Sloan, contestant, for himself; Morgan Rawls, contestee; and his son, Homer Rawls, and the witness, M. T. Quinan—

M. T. QUINAN sworn:

Question. Were you one of the managers of the election held at the court-house in the city of Savannah on the 5th day of November last for presidential electors and a member of Congress from this district?—Answer. I was.

Question. At which box did you preside, and how were the four boxes arranged, as regards their number?—Answer. I presided at box No. 1. Box No. 1 was at the north side of the court-house, on President street; box No. 2 was on the north side of the hall of the court-house; box No. 3, on the south side of the hall of the court-house; box No. 4, on the south side of the court-house, on York street.

Question. Who else presided at your box with you?—Answer. Magistrates Elsinger and Berrien, and C. C. Casey, freeholder.

Question. How much of the day, while balloting was going on, were you absent from your box?—Answer. I was absent a half an hour in the morning, for breakfast, and from 1 o'clock p. m. to 3 o'clock p. m., and about twenty minutes between 5 and 6 o'clock p. m.

Question. Did any one of the managers at your box remain continuously there all the day, while the voting was going on; and who took your place while you were absent?—Answer. None of the managers remained there continuously during the whole day; they were relieved by one another. During my absence Mr. Casey took my place.

Question. How many managers were there, all told, officiating in holding the election at the court-house?—Answer. To the best of my recollection there were six magistrates and eight freeholders.

Question. Were you present during the time the whole count of your box was made, and did you assist in that count?—Answer. I was present the whole time and assisted in the count of the ballots in my box.

Question. Did you make a separate and distinct return of the vote at that box—keep a separate and distinct tally-sheet, and afterwards present the same to the consolidating board?—Answer. We made no separate and distinct count, nor did we make a separate tally-sheet for that box. Two boxes were counted in the superior-court room, and two were counted in the city-court room, and one tally-sheet for each two boxes.

Question. Were the ballots cast at your box during your absence presented to you, upon your return, for your inspection and consideration, and did you see the parties casting these ballots?—Answer. Every vote, as received, was deposited in the ballot-box, whether I was present or absent. I did not, therefore, see any of the ballots cast during my absence, or see any of the persons by whom they were cast.

Question. Did you preside or assist in presiding at any other box than the one you have above referred to?—Answer. I did not.

Question. Did you assist in counting the vote in any other box except your own?—Answer. I assisted in counting box No. 1 and box No. 3, which were counted in the city-court room.

Question. Were you present during the entire count of box No. 3?—Answer. I was.

Question. Were you present at the counting of the two boxes in the

superior-court room, and did you assist in that count?—Answer. I was not present during the count of the boxes in the superior-court room.

Question. If you were not present while the balloting was going on at boxes Nos. 2, 3, and 4, and did not assist in the management of those boxes, and were not present and did not assist in the count of the two boxes in the superior-court room, and there were no separate returns of each box made by the managers thereof, together with separate tally-sheets, and presented to the consolidating board for consolidation, how could you certify as to the correctness of the vote polled and the count thereof afterwards?—Answer. I depended upon the oath of the managers, that they would make a true and correct return, as they had to depend upon the oath of the managers of box No. 1.

Question. Did any one of the managers at said election continuously preside at any one box during the entire day while the balloting was going on?—Answer. To the best of my knowledge, none of the managers remained at any box continuously during the whole day.

Question. Were the boxes so arranged that the managers at box No. 1 could see the balloting at box No. 4—supervise, inspect, and tell in what manner the balloting was conducted at box No. 4?—Answer. They were not.

Question. How far was box No. 4 from box No. 1?—Answer. About 40 feet.

Question. Did any one of the managers presiding at said election count or assist in counting the entire vote at the court-house?—Answer. No one of the managers counted or assisted in counting the entire vote polled at the court-house.

Question. Were the votes cast at the precincts in the county, at the Isle of Hope, Cherokee Hill, and Chapman's house, presented by the managers of said precincts to the managers at the court-house for consolidation, and were they consolidated with the court-house vote?—Answer. The votes of the country precincts were presented for consolidation; but, by a vote of the board of managers, they were thrown out as illegal.

Question. Were they presented within the time prescribed by law?—Answer. I don't know when the law requires the vote of a county to be consolidated, but they were presented by 10 o'clock on the day after the election.

Question. What were the political sentiments, or reputed political sentiments, of the managers holding the election at the court-house?—Answer. The majority of them were democrats.

Question. Was there any open and avowed member of the republican party on that board?—Answer. No.

Cross-examined:

Cross question. Were the four ballot-boxes inside the court-house building in the same hall, and could any three managers, if they had observed, have overlooked all four ballot-boxes?—Answer. The boxes were all in the hall of the court-house. Any two or three of the managers could have overlooked all four boxes.

Cross-question. When were these four ballot-boxes first established for election purposes in this county; by whose authority, and what was the object in having four ballot-boxes?—Answer. I believe they were established, in 1868, by the ordinary of Chatham County. The object was for the convenience of voters.

Cross-question. Had there been any elections held at the court-house at which four ballot-boxes were used prior to the election of the 5th of November, 1872? If so, how many, and what elections?—Answer. At

all elections held since 1868 four ballot-boxes have been used. There were two elections for governor and members of the legislature; one election for a Congressman and city officers.

Cross-question. Is it customary at elections for managers to interchange and relieve each other at the different boxes?

(OBJECTION.—Contestant objects to the question and answer as illegal, the management of elections in Georgia being controlled entirely by law. Also objects to the immediate preceding questions and answers upon the subject of four ballot-boxes being used at former elections, those elections having no bearing upon or connection with the election in question.)

Answer. It is both usual and customary at all elections for managers to relieve each other.

Cross-question. Was there any time during the day of the election that there were not present, overlooking the ballot-boxes, as many as three of the managers?—Answer. There were never less than three at any time during the day, and never less than three at my box.

Cross-question. How long were you absent from the court-house at any one time during the day of the election?—Answer. Never over one hour and a half at one time.

Cross-question. Were not all the votes polled at the four boxes at the court-house consolidated as the vote of one precinct, and was not the aggregate number of votes there polled made up as one return?—Answer. All the votes polled at the court-house were counted as one precinct and consolidated as one return.

Cross-question. Did the political sentiments of the managers of said election have any influence upon the management of the same; was not the election fair and impartial?

(OBJECTION.—Contestant objects to the question and answer unless witness confines influence to himself, and the fairness to his own action.)

Answer. I do not think the political prejudices or bias of the managers had any influence on the election. I believe the election was fair, free, and impartial.

Cross-question. Why were the votes of the so-called country precincts not received and consolidated by the managers with the votes cast at the court-house?—Answer. The managers considered the precincts illegal, and therefore refused to consolidate their vote with the vote cast at the court-house.

Cross-question. At the last several elections for governor, members of the legislature, and other officers of the county, at what place in Chatham County were said elections held?—Answer. At all elections the court-house is recognized as the only legal voting-place.

Cross-question. Were there any Federal supervisors at this election, and were they present overlooking and generally supervising said election?—Answer. There were two Federal supervisors, W. W. Payne on the part of the democratic party, and S. D. Dickson on the part of the republican party. I believe they were both present during the whole of the day of said election.

Cross-question. What were the political sentiments of the managers of the election at the so-called county precincts?—Answer. They were all republicans.

Cross-question. If you had presided during the day continuously at one box, could you have certified to the correctness of the election with more accurate knowledge than you did at this election, or was not the method of presiding more of a protection against fraud than other-

wise?—Answer. It would have been impossible to hold a fair election with but one ballot-box. I think the arrangement of the four ballot-boxes the best protection against partiality, or the chance of fraud. I do not know that I could have certified to one box any more correctly than I did the four.

Cross-question. Were you arrested after the election, and for what cause, and by whom?

(OBJECTION.—Contestant objects to the question as irrelevant, the affidavit and warrant being the best evidence of the facts sought to be proved.)

Answer. I was arrested by Deputy United States Marshal Smith between 7 and 8 o'clock at night, on Saturday, the 9th of November, and placed under bonds to appear before the United States court to answer to the charge of signing a false and fraudulent election-return, based upon the affidavit of Lewis J. Moody, a justice of the peace of Chatham County. Said Moody is a republican, and was one of the managers of the election held at the county precincts. I am still under bonds to answer said charge.

Redirect:

Question. Are you certain that four boxes were used at the court-house in the presidential and congressional election in 1868, and was not that election held under the reconstruction laws, and were not elections held in the three county precincts at the same time?—Answer. To the best of my knowledge and belief four ballot-boxes were used at the election in 1868. The precinct elections were held in the precincts, also, by order of the ordinary.

Question. At the election held in 1870 for Congressman were there four boxes at the court-house in the city of Savannah? Do you not know that that election covered several days, and that there was only one box at the court-house, and another in the fourth militia district in the city?—Answer. I do not know, of my own knowledge, how many boxes were used at the election held under the Akerman bill in December, 1870, but do know that the election was held for three days, and believe that a precinct was established for that occasion in the fourth militia district; do not recollect that the election held for governor in October last was the only election in which four ballot-boxes were used. When I speak of the custom of managers interchanging and relieving each other, I mean to confine it to what the custom is in the city of Savannah, which comes under my personal knowledge. There could have been irregularities and fraud committed at boxes 2, 3, and 4 without my knowledge. The same could have been committed at my box during my absence. I think the colored voters voted principally at box 3.

Question. Were not the backs of the managers at box No. 1 turned toward the backs of those at Nos. 2 and 4, or 2 and 3; and were they not, from the location and situation of the boxes, necessarily placed in that position?—Answer. The backs of the managers were placed as suggested in the question.

Question. If there had been but one ballot-box on the day of election, and you had presided continuously at that one box and the count thereof, could you not have given a certificate based upon your own knowledge with more certainty than you could with the four boxes?—Answer. Yes, if I had presided continuously at one box.

Recross:

Cross-question Would not the chance of fraud, of which you speak as possible at boxes 2, 3, and 4, have been the same had you been pres-

ent at those boxes, or if there had been but one box, and you had been present all the time?—Answer. The chances for fraud at any box was as great as if there had only been one box, and no one manager could have prevented the chances for fraud. The chances for fraud are possible even if but one box is used, and the manager not know it.

M. T. QUINAN.

Sworn and subscribed before me February 4, 1873.
[SEAL.] JNO. J. NEWTON,
Notary Public.

LEVI S. HART sworn:

Question. Were you a manager of an election held at the court-house in the city of Savannah on the 5th day of November, 1870, at which presidential electors and a member of the Forty-third Congress were voted for? If so, when did you go to the polls, and at what box did you preside?—Answer. As a notary public and ex-officio justice of the peace of Chatham County, Georgia, duly qualified and commissioned, I acted as one of the superintendents of the election held on the 5th of November for presidential electors and a member of the Forty-third Congress at the court-house in the city of Savannah. I was at the court-house at 7 o'clock in the morning. My box was from letter F to N, on the north side of the lobby of the court-house. I was relieved at 9 o'clock, left the court-house, (the polling-place,) and did not go back until next morning.

Question. Did you preside at any other box, were the ballots cast at your box during your absence submitted to you for your examination upon your return, and did you see the voters casting them?—Answer. No.

Question. Did you assist in counting the ballots cast at said election? If so, what box did you assist in counting, and what portion of the time while the count was going on were you absent therefrom?—Answer. Upon the morning of the 6th I went to the court-house. They had not finished counting out the votes. I was on the bench as one of the magistrates. There were ballots on the desk before us. I did not assist in counting any votes.

Question. Did you sign the consolidated return of the city vote? If so, when and where did you sign the same? What others of the managers signed at the same time, and did all the managers signing the same sign in presence of each other?—Answer. I did sign the consolidated return of the city vote, in the city court-rooms, about 1 o'clock a. m., on the 6th of November. I do not know what others of the managers signed. I do not know whether all the managers signed in presence of each other.

Question. Who of the managers were present when you signed the consolidation return; how many of them signed before you did; who were they, and what became of you after signing the same?—Answer. There were several managers in the room. I suppose four or five signed before I did—do not know who they were. After signing I went off.

Question. Who made out the consolidation return, and did you, in signing the same, have the tally-sheets before you?—Answer. I believe Mr. Clements, clerk of the superior court, made out the consolidated return. I did not have the tally-sheets before me when I signed the consolidated return. I did not see the tally sheets.

Question. Was Mr. Clements one of the managers of that election?—Answer. He was not.

Cross-examined:

Cross-question. What is your age, and how long have you been familiar with the management of elections in Chatham county?—Answer. I am fifty-three years and nine months old, and have been familiar with the management of elections in Chatham County for the last twenty-five years. I have been officially connected with the management of elections during that period.

Cross-question. Was this election held, managed, and returned in the usual way of holding, managing, and returning elections held at the court-house in Savannah?

(OBJECTION.—Contestant objects to the question and answer on the ground that the management of other elections has nothing to do with this, and because the matter is controlled entirely by law.)

Answer. As far as I know, I believe that the election was properly held and managed. It is usual after the votes are counted out, the tally-sheets adjusted, that it shall be handed over to the managers to declare the result. I do not remember that that was done; I think not. The management of the election was as usual.

Cross-question. Where have been the recognized places of holding elections in Chatham County for the past several elections, at which governors, members of the legislature, and other officers were voted for?

(OBJECTION.—Contestant objects to the question unless witness can show, by legal and competent testimony, of the voting places referred to, are recognized by the duly authorized parties or powers, upon whom the authority to recognize or establish them is conferred, and also to what anybody else recognized besides witness himself.)

Answer. The usual place of holding elections for the past several elections has been at the court-house in the city of Savannah. In the year 1868 Mr. Wetmore, the ordinary, created three or four election precincts in the county for the presidential election of that year.

Cross-question. Was Mr. Clements, clerk of the superior court, authorized by the managers of said election to perform the clerical labor of making out the returns, and was his work performed under their immediate supervision?—Answer. I apprehend not; it was his duty to do so. His work was not performed under the immediate supervision of the managers. He makes out the returns and the superintendent signs them.

Cross-question. Is it customary, as far as you know, at elections, for managers to relieve each other at their boxes?—Answer. When a manager can be relieved he takes advantage of it, and is glad of the relief. It is customary for managers to relieve each other. I confine this custom to the city of Savannah.

Cross-question. Were you, as a manager of this election, arrested; if so, please state when and by whom?

(OBJECTION.—Contestant objects to the question as irrelevant and illegal.)

Answer. I was arrested by Deputy Marshal Blorer under a warrant issued by the then commissioner, A. W. Stone. The date of my arrest I do not recollect. I presume and believe that my arrest was made under and by virtue of my official capacity.

Redirect:

Question. Are you not still under bond, under the warrant referred

to, for alleged mismanagement in some way or other, at the election held on the 5th day of November, 1872?—Answer. I am under a bond of $2,500.

LEVI J. HART.

Sworn and subscribed before me the 4th February, 1873.
[SEAL.] JNO. J. NEWTON,
Notary Public.

ISAAC RUSSELL sworn:

Question. Were you one of the managers of the election held at the court-house in the city of Savannah on the 5th day of November, 1872, at which presidential electors and a member of the Forty-third Congress were voted for in the 1st district of Georgia?—Answer. I was one of the managers of said election.

Question. What time did you go to the polls on the morning of the election, and at which box did you preside?—Answer. My impression is that I was stationed at the box on the left-hand side of the main entrance to the court-house, and presided generally over all the boxes, it being my duty to do so. I was at the court-house from the opening of the polls to the closing thereof.

Question. How much of the day did you preside over the box at which you were stationed, and how much thereof over the other three boxes?—Answer. I presided mostly at the box at which I was stationed. At intervals I was at the other boxes, but cannot say how much of the time.

Question. What other magistrates and freeholders presided with you at the box at which you were stationed?—Answer. I cannot now remember which managers were at that particular box.

Question. How much of the day, while the balloting was going on, were you absent from that particular box?—Answer. I cannot say positively, the time being when I relieved the managers, at intervals, to take their dinner in the court-house. I am positive it was not exceeding one hour.

Question. Did you not leave the court-house at all on that day while the balloting was going on?—Answer. I do not think I did. To the best of my knowledge and belief I did not leave the court-house until after the election was over.

Question. Did you preside during the day of election, at intervals, at each of the four boxes?—Answer. I presided over all of the boxes. I received ballots mostly at the box at which I was stationed. When I was at the other boxes I did receive ballots.

Question. Did you assist in counting the ballots after the closing of the polls? If so, what box or boxes did you assist in counting, and where were those boxes at the time of the counting?—Answer. I did assist in counting the ballots. I cannot now remember the particular ballot boxes. A portion of the boxes were in the superior court room at the court-house of Savannah, Ga., and the other portion were in the city court-room in the court-house at Savannah, Ga. The managers were equally divided in the two rooms, there being one supervisor in each court-room. I was in the superior court-room and assisted in the count there, and had nothing to do with the count in the other room.

Question. Were separate and distinct returns made, and separate and distinct tally-sheets kept of each box, and presented to the consolidating boards, or were the two boxes in the superior court-room tallied

together, and the two in the city court-room tallied together?—Answer. The only returns that I knew of were the returns of the ballots counted out at the court-house. After the ballots were counted in each court-room the tally-sheets were compared, and the managers certified to the returns. I met several persons who claimed that they held an election at some country precinct or precincts. Being one of the managers at the court-house, and being called upon to consolidate the votes cast in those precincts, I decided that the alleged so-called precincts were illegal, not having been established according to law; and the only legal voting-place was that at the court-house at Savannah, Chatham County, Georgia. In the superior court-room the two boxes were tallied out on the same tally-sheet; tallying one first and then the other.

Question. Did you sign the consolidated return?—Answer. I did sign the return of all the votes cast at the court-house, which I recognize as the only legal votes cast.

Question. Were you continuously present in the superior-court room during the entire count of the votes in the two boxes in that room?—Answer. During the counting of the votes in that room I was present. I assisted in counting all the votes in that room.

Question. If you were not continuously present supervising and inspecting the voting at each of the four boxes, and if you were only present at the count of the votes in the superior-court room, how was it possible for you to make any definite certificate to the consolidated return of the votes cast and counted at the court-house at said election and for what candidates they were cast and counted?—Answer. I was present at the voting of all the boxes at the court-house. Section 1309 of the Code of Georgia states that the persons qualified to hold such election are justices of the peace. There must be three superintendents. One must be a justice of the peace. I hold that there can be more than three superintendents, and the fact of there being a legal number superintending the counting of the votes in each court-room, and there being a sufficient number of superintendents at each counting, that I could conscientiously sign the returns after the tally-sheets were compared. I mean to say that there cannot be less than three superintendents, but I hold that there can be more.

Question. How many reputed members of the republican party were there on the board of managers at the court-house?—Answer. I do not know.

Question. Have you any objection to stating your own political sentiments?—Answer. I have not. I am a democrat. I was a straight-out democrat in last presidential contest.

Cross-examined:

Cross-question. What is your profession or calling?—Answer. I am an attorney-at-law.

Cross-question. Have you been officially connected with the holding of elections before the election held in November last? If so, please state if the general management of said election was in accordance with the usual custom of holding elections at the court-house in Chatham County?—Answer. By virtue of my office as justice of the peace I presided at several elections previous to the presidential election. I know of no difference in the management of elections during the time I presided as manager of elections.

Cross-question. Do you know if there were any parties arrested for or detected in attempting to cast illegal votes on the 5th of November, 1872? And, if so, please state the political party that these parties belonged

to?—Answer. There were several parties arrested for illegal voting. Day after election I issued warrants against the persons arrested for illegal voting. I do not know of my own knowledge their political status; they were all negroes. Several admitted before a court of examination that they were republicans.

(OBJECTION.—Contestant objects to the question and answer as illegal.)

Cross-question. Were the four ballot-boxes inside the court-house in the same hall, and could any three of the managers, had they observed, overlooked all four of the ballot-boxes at the same time?—Answer. The four ballot-boxes were inside the court-house at the usual place of voting, in view of all the managers.

Cross-question. Were you as a messenger of said election arrested for any alleged mismanagement of said election? If so, when and by whom?—Answer. Having been informed that several managers of the presidential election were arrested at a late hour of the night, and having been informed that there was a warrant issued against me for violation of the enforcement act, I voluntarily appeared before A. W. Stone, United States commissioner, and tendered bond, which was accepted, for my appearance before the United States court to answer to the charge alleged against me.

Cross-question. Did you, prior to or on the day of said election, hear anything of a probable contest by contestants? If so, please state what it was you heard and by whom it was said.

(OBJECTION. Contestant objects to the question as illegal and tending to bring out hearsay testimony, and as having no bearing whatever upon the points at issue in this contest.)

Answer. On the day of election it was a general talk that if the votes cast at the so-called precincts in the country were not received and consolidated by the managers at the court-house, Mr. Sloan would contest said election. I cannot positively state the name of any particular person, but it was a general talk, and so claimed by one of the persons superintending the country precincts, a member of the republican party.

Cross-question. Do you know the managers of election at the so-called precincts? If so, please state if they were freeholders and otherwise qualified to preside at elections, and their political sentiments?

(OBJECTION.—Contestant objects to that portion of the question in reference to the managers of said precincts being freeholders, they being accessible and being the only persons who could be legally called to prove that fact.)

Answer. I know John A. Staly, Isaac Seeley, Avery Smith, King S. Thomas, Joseph Sneed, Lewis Bennett, L. J. Moody, James Porter. I cannot say that I know L. C. Rice. I do not know any one of them to be a freeholder. They have all of them affiliated with the republican party, several of them being leaders.

Redirect:

Cross-question. Do you, of your own personal knowledge, know that the managers, or either of them, of the country precincts referred to are not freeholders? If so, how do you know?—Answer. Of my own knowledge I do not know that they are not freeholders.

ISAAC RUSSELL.

Sworn and subscribed before me this 4th February, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

Having met pursuant to adjournment at 11 o'clock a. m., this February 5th, 1873, at the office of Andrew Sloan—present, John J. Newton, notary public, Walter C. Beeks, of counsel for contestee, and Amos T. Akerman, counsel for contestant; also Homer Rawls and the witness J. G. Watts—

J. G. WATTS sworn:

Question. Were you a manager of the election held at the court-house in the city of Savannah on the 5th day of November, 1872, at which time a member of the 43d Congress was voted for?—Answer. I was.

Question. In what capacity?—Answer. Freeholder.

Question. Who were the candidates for Congress at that election?—Answer. Andrew Sloan and Morgan Rawls.

Question. Which political party nominated Mr. Sloan and which Mr. Rawls?—Answer. The radical party nominated Mr. Sloan and the democratic party Mr. Rawls.

Question. Were you at that time related to either of them?—Answer. I was. Mr. Rawls is my brother-in-law. He and I married sisters.

Question. How many separate boxes or voting-places were there at that election?—Answer. There were four.

Question. At which one of them did you preside?—Answer. I presided at the one on the north side of the main entrance to the court-house.

Question. Who presided with you at that box?—Answer. Mr. Hamlet and Mr. Belisairo were there most generally.

Question. Was any one of the managers at that box during all the time of the voting?—Answer. I do not know that any one manager was there all the time. I was not there all the time myself, having gone away to dinner.

Question. Was any one of the other managers present at that box all the time you were there?—Answer. Hamlet and Belisairo were there all the time except when they went to dinner.

Question. Which way did you and the other managers of that box face while holding said election?—Answer. My back was to the west and my face east, where I could see the other boxes. Mr. Hamlet at the other end of the table faced west. We changed positions. I was in his place part of the time, and he in my place part of the time. Belisairo was behind the table, facing west generally.

Question. Could Mr. Belisairo in the position he occupied at box No. 2 see what was going on at box No. 1, on President street, without turning round?—Answer. He could a part of the time, and a part of the time he could not, depending upon the position he occupied.

Question. Were not all the voters at your box south of the managers at that box when they cast their votes?—Answer. They were.

Question. Were not all the voters at the box on President street, No. 1, when they cast their votes, north of the managers at your box?—Answer. They were.

Question. Were the managers at the court-house during the election on the floor or on raised platforms?—Answer. They were on raised platforms the greater part of the time.

Question. How high were those platforms?—Answer. About two feet.

Question. Was there a separate platform for each of the four voting-places?—Answer. I think there was.

Question. Did the voters stand on the platform while casting their ballots?—Answer. They did.

Question. Was a separate list of voters kept by the clerks of each of the four boxes?—Answer. Yes.

Question. Were you present at the counting of the votes?—Answer. I was.

Question. At what time did it begin and what time did it end?—Answer. It began shortly after the polls closed, and ended the next day about 9 or 10 o'clock. Am not positive as to the time.

Question. Were you present when all or only a part of the votes were counted?—Answer. I was not present when all the votes were counted; was present when a part was counted. These votes were in the two north boxes, which were counted in the superior-court room. I was present all the time while the count was going on of the two north boxes, and was present part of the time during the time of the count in the other room; was present in the latter room not over half an hour during that count.

Question. Were all of the managers at the court-house present during the count of the votes of the two boxes in the superior-court room?—Answer. They were—I mean the managers of those two boxes, Nos. 1 and 2. The managers of the other boxes were not present during the count of these boxes, so far as I know.

Question. Was the count of the two south boxes going on in the city court-room while the count of the two north boxes was going on in the superior-court room?—Answer. It was.

Question. Did you personally see that the votes in the two north boxes were correctly counted?—Answer. I did.

Question. Did you see personally that the votes in the two south boxes were correctly counted?—Answer. I did not, except for the short time I was in the city court-room.

Question. Did you sign the consolidated return as a manager?—Answer. I did of the election at the court-house.

Question. Of what was that consolidated return made up?—Answer. Of the four boxes at the court-house.

Question. Upon what knowledge as to the number of votes cast at the two south boxes did you base said return?—Answer. Upon the knowledge of my confidence in the honesty of the managers of the south boxes, and upon what I saw of the count of the south boxes.

Question. How many, or about how many, votes were counted in the south boxes while you were present?—Answer. About 100 or 150; cannot answer with greater precision.

Question. Were returns purporting to come from three precincts of Chatham County, outside of Savannah, of votes of said election presented to the court-house managers for consolidation, and when, and by whom?—Answer. They were presented the day after the election about 9 or 10 o'clock in the morning, by Mr. Seeley, Mr. Staley, and some others whom I did not know, claiming to have been managers at said precincts.

Question. What was the action of the court-house managers in regard to these precincts returns?—Answer. They refused to consolidate them on the ground that said precincts were illegal.

(OBJECTION.—Contestee objects to question and answer on the ground that it is entirely a question of law, and that the ordinary's books would be the best evidence of what precincts are established.)

Question. How many persons in all acted as managers at said election?—Answer. I think about ten.

Question. Was there much activity in the election?—Answer. There was a part of the time; at other times not so much.

Question. What time did the voting begin?—Answer. I think about 6 or 7 o'clock in the morning.

Cross-examined:

Cross-question. What were your political sentiments at the time of said election, and did they have any influence on your conduct on the management of said election?—Answer. I have always been an old-line whig; my political sentiments did not have any influence upon my conduct in said management. I think it was as fair an election as I ever saw.

Cross-question. Were these four ballot-boxes inside the court-house building, and in one hall, and could any three of the managers, if they had observed from any place in said hall, have overlooked all four boxes?—Answer. The four boxes were inside the court-house building and in one hall; and any three of the managers, if they had observed, could have overlooked all four boxes about as well as they could have overlooked one box, had it been arranged to have facilitated as much voting as was done that day.

Cross-question. What was the object in having four ballot-boxes?—Answer. To facilitate the voting, and for the convenience of voters, and to give all the voters of Chatham County an opportunity to vote.

(OBJECTION.—Contestant objects to the question and answer as not fit matter to be testified to by witness.)

Cross-question. When were four ballot-boxes first used at elections in Chatham County, and at what elections?—Answer. About two or three years ago, for governor, members of legislature, and all other county officers, together with elections for President, Congressmen, and city officers.

Cross question. Where have the two or three preceding elections for governor and members of the legislature for Chatham County been held previous to the election of November 5, 1872?—Answer. At the court-house in this city only, as far as I know; do not know of elections being held anywhere else in this county.

Cross-question. Were there always as many as three of the managers present at the court-house during the day of said election?—Answer. There were.

Cross-question. Is it customary at elections for the managers to relieve each other at the different boxes during the day of election?

(OBJECTION.—Contestant objects to the question on the ground that the matter inquired of is to be regulated by law, and not by custom.)

Answer. Yes.

Cross-question. Were you arrested for any alleged mismanagement at said election? If so, when, and by whom?—Answer. I was arrested by Mr. Blanco—I think he was a United States officer of some kind—about 10 o'clock on Saturday night after the election. I was arrested for some alleged mismanagement of the election.

(OBJECTION.—Contestant objects to the question and answer as irrelevant.)

Cross-question. Were not all the votes cast at the court-house counted out and made up as the return of but one precinct?—Answer. They were.

Redirect:

Question. You have stated in cross-examination that you were always an old-line whig. Did that party have any candidate in the field at the election on the 5th day of November last for Congress from this district?—Answer. It did not.

Question. How did you stand in the classification between the democratic and republican parties; how between Greeley and Grant, and how between Rawls and Sloan?—Answer. I was neutral between the two parties; I was for Greeley and Rawls. I voted for Rawls on personal grounds, and should have voted for him had he been a republican.

Question. Was not voting going on at all four boxes in the court-house at the same time?—Answer. It was.

Question. Who directed that there should be four boxes?—Answer. The ordinary, so far as I know.

Question. Was that direction verbal or in writing?—Answer. Do not know.

Question. Did the voters at the boxes at one and four enter the court-house building in order to vote, or vote at the doors?—Answer. The boxes were inside the building, and the voters right at the door, partly in and partly out.

Recross:

Question. When the voter was at these two boxes, one and four, was he in a position to be observed by the managers within the court-house?—Answer. He was.

JAMES G. WATTS.

Sworn and subscribed this 5th day of February, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

A. W. STONE sworn:

Question. Where did you reside, and where were you a legal voter, during the year 1872?—Answer. In Savannah, Ga.

Question. Did you hold any office or appointment relating to the election held in this district for a member of Congress on the 5th day of November, 1872?—Answer. I was chief supervisor of elections for the southern judicial district of Georgia, which embraces all of the first congressional district and other portions of the State.

Question. Were you at the court-house in Savannah on the day of that election?—Answer. I was there several times during the day, but not continuously.

Question. How many voting-places were there?—Answer. There were four boxes for receiving votes at different places in the court-house.

Question. Was it possible for the persons acting as managers at any one of those boxes, while attending to the voting at their own box, to pay attention to what was going on at the other boxes?—Answer. I say not, unless endowed with more than ordinary powers of observation. The managers on the York street side could not see the managers on the President street side, and *vice versa*. They were situated as they stood back to back, and between these two sets of managers there were elevations from two to three feet high, I should say, upon which were boxes and managers of the two voting-places, near the center of the court-house, which obstructed the view of the managers on the York street side and the President street side.

Question. As each voter came up did he not announce his name to the managers; and did not one of the managers call out the name to the clerk; and did not the clerk after writing down the name call it out;

and was not all this going on at the same time at each of the four boxes?—Answer. It was going on at three of the boxes to my knowledge. I could not see the fourth box while I saw the three. Challenging and swearing voters was going on at the different boxes at the same time.

Question. Who were the United States supervisors at that district, and to what political parties did they belong?—Answer. Samuel D. Dickson was the republican supervisor, and William W. Payne the democratic supervisor.

Question. What positions did those supervisors occupy at that election?—Answer. At each time I was at the court-house Mr. Dickson was at the box on the York street side of the court-house. I was there at about the time the polls opened; staid about an hour. I did not see Mr. Payne there. I went back after breakfast, between 8 and 9 o'clock: did not see Mr. Payne there; think I was there about a half or three-quarters of an hour; returned again; saw Mr. Payne sitting in the hall a little east of the two center boxes, reading a newspaper; was there some little time and he continued reading. I went off round the court-house, looking about; went into the court-house again; Mr. Payne was sitting there reading newspapers; I stepped up to him and asked him if he was supervising the election that day; he said "yes;" I then said to him, "How do you expect to certify to this election sitting in that position?" or words of that purport; he says, "O, well, it is all going on well enough, any way." About that time I left the court-house; after awhile I went back again; saw Mr. Payne apparently supervising the two boxes in the center of the court-house, looking first at one and then the other. About three o'clock I went back again to the court-house; did not see Mr. Payne there, but he came in in a short time and seemed to be attending to his duties at the two boxes in the center of the court-house.

(OBJECTION.—Contestee objects to anything which Mr. Payne told him as hearsay evidence, and objects to any questions propounded by witness to Mr. Payne about the supervising of said election as irrelevant.)

Question. Did you observe Mr. Payne attending to any other boxes than those in the center of the court-house?—Answer. I do not recollect of seeing Mr. Payne at any of the boxes except the two in the center of the court-house. When standing on the platform at either of the boxes in the center of the court-house he could see the boxes and the managers at the box on the York street side and the President street side of the court-house.

Question. When seated in the hall at the place you saw him reading the newspapers, how many of the boxes could he see?—Answer. I do not think he could see but two distinctly; he could not see what was going on at the boxes on the York and President street sides.

Question. Was it possible for either supervisor to pay attention to more than one box during the election?—Answer. It would not be possible for me to do it, and I do not think any other man could.

Question. Do you know of any obstruction of access to the polls during that election?—Answer. I do not, only what would naturally arise in a crowd. At the poll on the York street side, where I stood a considerable time, a great many questions were asked by one of the managers of persons offering to vote; such as—Where do you live? Do you live in this county? I know you; you came from South Carolina. Have you paid your taxes? Did you pay them to the custom-house men? Where did you pay them? Did you pay them at the court-house? How old are you? and other like questions, which resulted in some de-

lay, and for the time some obstruction to voters. I heard nothing of the kind at either of the other polls while I was there.

(OBJECTION.—Contestee objects to witness testifying as to any questions propounded by the managers, and to answers of the voters thereto, on the ground that they are irrelevant, and are merely hearsay evidence. Witness further says in this connection, that at the poll on the south side of the center, I noticed in one or more instances managers demanded tax-receipts, and some little time was consumed by the voter in rummaging his pocket-book and pockets to find it; a crowd pressing behind apparently anxious to vote, and in one instance a man was told to step out of the line until he found it.)

Question. What was the color of the voters thus addressed, either at the center or York street boxes?—Answer. Colored.

Question. Do you know who were appointed supervisors at the three precincts outside of Savannah, in Chatham County; said precincts known as Chapman's House, Isle of Hope, and Cherokee Hill?—Answer. I know supervisors were appointed for those districts or precincts. I cannot give their names without reference to my records.

(OBJECTION.—Contestee objects because the record is the best evidence thereof.)

Question. Do you know to which political party the managers belonged who delayed the voting by the questions and sayings of which you have spoken?—Answer. To the democratic party.

Question. Is Cherokee Hill, Isle of Hope, Chapman's house, in different militia districts? Are those districts different from the one in which the court-house is situated?—Answer. They are different militia districts, and different from the one in which the court-house is situated.

(OBJECTION.—Contestee objects to the question and answer, as it is a question controlled by law, and the records of the ordinary's office the best evidence thereof.)

Question. How far is each of those precincts from the court-house?—Answer. The Isle of Hope is nine or ten miles; Chapman's house eleven or twelve miles, and Cherokee Hill, I think, from seven to nine miles.

Cross-examined:

Cross-question. Do you hold any official position under the United States Government. If so, what is it?—Answer. I am assistant United States district attorney for Georgia, and was appointed in the latter part of November last.

Cross-question. What were your political sentiments at the time of the election held on the 5th of November, 1872, for presidential electors and a member of the Forty-third Congress, and what are they now?—Answer. An out and out republican, and a supporter of Grant and Wilson and Sloan, and am yet, and expect to remain so.

Question. Did you see any person vote whom you knew was not entitled to do so, or hear any names called by the managers which were written down by the clerks of persons who had not voted?—Answer. I did not.

Question. At elections with but one ballot-box, with but three managers, could any one of the managers observe all that transpired in connection with the election, and certify with perfect knowledge as to the correctness of the return thereof, and could not fraud be committed where there was but one ballot-box and three managers, without the knowledge of the managers?—Answer. To the first part of that question I answer, that an ordinarily sharp man could and ought to know what transpired at his ballot-box, and be able to certify to its correct-

ness. From the history of the past I learn that frauds have been perpetrated before the most astute managers, and might be in the instance named.

Cross-question. Do you know, of your own knowledge, of any frauds having been committed at said election?—Answer. I have no personal knowledge of that fact.

AMHERST W. STONE.

Subscribed before me the 5th February, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

Having met pursuant to adjournment at 9 o'clock, a. m., this February 6th, 1873, at the office of Andrew Sloan—present, John J. Newton, notary public; Walter C. Beeks, of counsel for contestee; Morgan Rawls and his son, Homer Rawls; Amos T. Akerman, counsel for contestant; Andrew Sloan, and the witness, Samuel D. Dickson—

SAMUEL D. DICKSON sworn:

Question. In what capacity did you attend the election in Chatham County for member of Congress on the 5th day of November last?—Answer. As United States supervisor, by appointment of Colonel A. W. Stone.

Question. At how many places at the court-house was voting carried on on that day?—Answer. At four.

Question. At which one of those did you attend in person?—Answer. At the box fronting on York street, south side of the court-house.

Question. Was it possible for you to supervise the election at that box and at the other three boxes also?—Answer. No.

Question. Did you confine your attention, then, to that box during the voting and the count?—Answer. Yes; with the exception of fifteen minutes, when I got Colonel Stone to stay in my place.

Question. How did the vote stand for Congress at that box?—Answer. Sloan, 673; Rawls, 167.

Question. Did the voting at that box continue without interruption during the election, or were there pauses?—Answer. No decided pause, except what occurred from challengers.

Question. Were voters at that box always endeavoring to vote?—Answer. At times there was a considerable rush, and at other times lulls, which were brief; there were probably ten of those lulls during the day, which are incidental at all elections.

Question. Where was that box taken at the closing of the polls, and state what was done with it, and what happened in connection with the custody of it after the closing of the polls?—Answer. The polls were closed at six o'clock. The box I supervised was taken to the vault occupied by the clerk of the superior court, in the court-house building. I accompanied it. After the other boxes were deposited, Mr. Clements, clerk of the superior court, requested me to leave the room, as he was going to lock it up. I peremptorily refused to do so, unless the box was taken out. He then threatened to lock me in. I told him he could do so if he saw fit, as I should not be separated from the box. He withdrew, and the sheriff, Mr. Barthemess, went through the same course of conduct. I proposed to him to take the box into the other room and have a guard put over it, two of each party; and there were two deputy sheriffs and

two deputy marshals put in charge of it. While remaining in the room, one of the deputy sheriffs, who was the boss I believe, commenced clearing the room, ordering everybody out, except the officers. I was sitting near the table where the box was at the time, and he came to me and ordered me to get up and go out. I refused. He became very insolent, and threatened to put me out. I jumped to my feet and dared him to put me out, unless he put the box out with me; that I should never leave there alive without the box. I presume that after he found that I was determined in my purpose to remain, as I had stated, he finally said he would let me alone on account of my age, and let me stay. I replied that I was there in the discharge of my duties, and did not ask any favors. I continued there until half-past seven o'clock, when the managers came, and we took the box up stairs, into the city court-room, in the west end of the court-house building. I was present while the votes in that box were counted. One of the managers of that box was present during the count; the others were not. I speak of managers of my box alone.

Question. To which political party did the sheriff and clerk belong?—Answer. To the democratic party.

(OBJECTION. Contestee objects to any conversation between the witness and the sheriff and clerk of the court as irrelevant.)

Question. How, according to your judgment, were the voters at that box apportioned between white and colored?—Answer. I should say four-fifths colored to one-fifth white.

Question. Was the other supervisor, Mr. Payne, present with you supervising at that box?—Answer. He was not with me.

Question. Who, for the most part, challenged voters at that box?—Answer. A young lad, Mr. Sheftall, a brother of one of the managers. When he was absent Mr. Sheftall, the manager, acted as challenger.

Question. Of what politics were the two Mr. Sheftalls?—Answer. Democrats.

Cross-examined:

Question. At which box was the largest number, majority, or percentage of republican votes polled?—Answer. I think at the box at which I supervised the percentage was the largest, but do not know about majorities.

Question. Why did you select and confine yourself to this particular box?—Answer. When I went there in the morning, half an hour before the polls were opened, on the opening of the polls Mr. Payne was not present to consult with. I did not feel very well, and took this position on York street as being the warmest and most comfortable. On entering upon my duties I found it an arduous duty to superintend one ballot-box, as I was required to be on hand every moment.

Question. Were you not advised and requested to take your position at that particular box? And, if so, by whom?—Answer. It was suggested to me by different persons to take this, that, and the other box, but I did as I pleased, and selected such as suited me.

Question. To what political party did you belong at the time of said election? Did you hold any official position under the United States Government at the time of said election? And, if so, what was it, and for whom did you cast your vote for a member of the Forty-third Congress?—Answer. Republican party. I was an inspector of customs. I decline to answer for whom I voted for member of the Forty-third Congress, deeming the question impertinent.

Question. Was it not by a vote of a majority of the managers that

the ballot-boxes at the close of the election were ordered to be put in the vault of the clerk's office for safety until the counting should begin?—Answer. I heard no such vote, but they were put in by the managers. The managers of my box left and I remained.

Question. When the particular box at which you presided was placed under guard, what was done with the other boxes?—Answer. The sheriff brought them out into the room I was in and left them there in charge of the guard.

J. D. DICKSON.

Sworn and subscribed before me this 6th February, 1873.
[SEAL.] JNO. J. NEWTON,
Notary Public.

EDWARD ANDREWS sworn:

Question. In what county did you reside on the 5th day of November, 1872, at which a member of the Forty-third Congress was voted for?—Answer. In Camden County, Georgia.

Question. At what precinct in that county did you attend?—Answer. At Horse-stamp precinct.

Question. Did you go there to act as United States supervisor at the election for Congress on that day?—Answer. I did.

Question. At what time in the day did you arrive at that precinct?—Answer. As near as I can come at it, about ten o'clock in the morning.

Question. Was an election held there that day?—Answer. Not any.

Question. What happened in relation to holding the election there that day?—Answer. Mr. David C. Scarlett—by his intimidations there was no election held at that precinct. Mr. John Brockington handed Mr. Scarlett some papers, and said the ordinary in Saint Mary's had appointed him as one of the managers at Horse-stamp precinct. Scarlett refused to attend the election, and persuaded other parties who were freeholders not to open the polls; he thought that they would be laying themselves liable to the law, and he would hate very bad to see a United States marshal take them before the United States court; so they thought they had best to have nothing to do with it.

Question. Was Mr. Scarlett a freeholder and were other freeholders there?—Answer. Yes. Mr. Scarlett was a freeholder and there were three others there.

(OBJECTION.—Contestee objects to witness testifying in answer to the two preceding questions or to any written orders coming through their parties, as the records and order of the ordinary would be the best evidence thereof, and to any statements of the witness as to who are freeholders, the freeholders themselves being better competent to testify thereto.)

Answer continued. At first Mr. Scarlett agree to hold the election. Some colored men said they were going to vote the republican ticket. Mr. Scarlett said he did not think they would have the chance of voting it there that day. At that time he said he thought we had all better break up and go home, and those who felt disposed could go somewhere else; and about that time used the language about laying themselves liable, &c.

Question. About what time of day did Mr. Scarlett and the other freeholders leave the ground?—Answer. About eleven o'clock.

Question. Was any officer authorized to hold elections on this ground?—Answer. There was not.

Question. How many men assembled there that day to vote?—Answer. About fifty, as near as I can come at it.

Question. How many of them expressed their intention if there should be an election at that precinct to vote the republican ticket?—Answer. As many as forty-five.

Question. Were they furnished with tickets like the one now handed to you?—Answer. Yes, precisely.

The ticket is hereunto appended.

Regular republican ticket.

GRANT AND WILSON TICKET.

For presidential electors:

AMOS T. AKERMAN, BENJAMIN CONLEY. } At large.

First district	AMHERST W. STONE.
Second district	JOEL JOHNSON.
Third district	W. B. JONES.
Fourth district	W. W. MERRILL.
Fifth district	JOEL R. GRIFFIN.
Sixth district	JOHN F. SHINE.
Seventh district	C. D. FORSYTH.
Eighth district	GEORGE S. FISHER.
Ninth district	C. A. ELLINGTON.

For member of Forty-third Congress for the first congressional district of Georgia—ANDREW SLOAN.

Question. How far was that ground from the other nearest voting-places in that county?—Answer. About fourteen miles.

Question. In what way did the most of the persons who were there travel to the ground?—Answer. On foot.

Question. To which political party did Mr. Scarlett belong?—Answer. To the democratic party.

Question. Do you know of other voters starting to that precinct to vote, and being told that there would be no election there, turned back?—Answer. Yes, as many as five; they were all republicans.

Cross-examined:

Cross-question. To what race do you belong, white or colored race; where do you reside; what is your employment; and to what political party do you belong?—Answer. To the colored. I reside at Satilla Mills, in Camden County, Georgia. My employment is stevedoring. I belong to the republican. I have lived in Camden County four years and eight months.

Cross-question. Did Mr. Scarlett use any force, or attempt any violence, to prevent the holding of the election there that day?—Answer. He did not; he used persuasion, that was all.

EDWARD ANDREWS.

Sworn and subscribed before me this 6th February, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

JOSEPH SHEPARD sworn:

Question. In what county did you reside on the 5th day November last?—Answer. In Camden County, Georgia.

Question. Did you act as manager at that election that day for member of Congress?—Answer. I did at Saint Mary's, as a freeholder.

Question. Did you participate in making up the consolidated return of the election in that county?—Answer. I did.

Question. When was that consolidated return made up?—Answer. On the night of the 6th, at eight o'clock, I think we commenced.

Question. Did the consolidating managers have before them at that time the returns from Bailey's precinct?—Answer. They did not.

Question. When was any such return presented to you or any of the other consolidating managers?—Answer. There was no returns presented to me. I only know from report.

Question. What is the distance from Bailey's precinct to Saint Mary's?—Answer. I do not know exactly; think it 30 or 35 miles.

Cross-examined:

Cross-question. Where was the court-house of Camden County at the day of election, and did you preside at the court-house in holding the election?—Answer. The county-site is in Saint Mary's. There is no court-house building there. The town furnishes a house for court purposes. I presided at the town-hall, which is used by the ordinary in holding his courts.

Cross-question. How long after the election was it when you first saw the returns from Bailey's precinct?—Answer. I think about a month.

Cross-question. Who was clerk of superior court of Camden County at the time of the election?—Answer. E. A. McWhorten.

Cross-question. Was the return from Jeffersonton precinct put in the consolidated return by the unanimous consent, or by the consent of a majority, of the managers of election?—Answer. It was put in by consent of a majority and not by unanimous consent.

Cross-question. Please state the reason why all the managers did not sign the consolidated return in reference to the Jeffersonton precinct?—Answer. The reason they gave for not signing it was that Jeffersonton was not a legal precinct.

Cross-question. What were the political sentiments, or reputed political sentiments, of a majority of the consolidating managers of said election?—Answer. Of the four white men I could tell; but of the three colored men I cannot tell; three of the white men were democrats; I, myself, am a republican.

Cross-question. What time did the managers complete the work of consolidation and sign the return of Camden County at said election?—Answer. I cannot say positively; I presume we were there about three hours. We met about 8 o'clock p. m. It may have been longer than three hours. It was on the 6th day of November, the day after the election.

Cross-question. Do you know who received a majority of the votes cast for a member of the Forty-third Congress at the Jeffersonton precinct, and what was that majority?

(OBJECTION.—Contestant objects on the ground that the matter should appear by the returns.)

Answer. Andrew Sloan received a majority; do not recollect what the majority was.

Redirect:

Question. Does the document now handed to you, marked D, agree

with the return from Bailey's precinct, which you saw in the office of the clerk of supreme court of Camden County?—Answer. It does.

JOSEPH SHEPARD.

Sworn and subscribed before me February 6, 1873.

[SEAL.] JOHN J. NEWTON,
Notary Public.

Contestant tenders the paper marked D, referred to in the last question and answer, claiming that it is made lawful evidence, both by the clerk's certificate and by the testimony of the last witness.

Contestee objects to the said exhibit as the return of Camden County or any precinct thereof, because the best evidence thereof is the return made up by the consolidating managers and signed by them; said consolidated return being now in the secretary of state's office; the said Exhibit D not being signed by any of the consolidating managers. Said document is appended hereto.

EXHIBIT D.—*Precinct returns.*

STATE OF GEORGIA, *Camden County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary, or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so, according to the laws of this State, nor knowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so: So help me God.

his
HENRY + UNDERWOOD,
mark.
W. D. BROWN,
M. M. SWEAT, *J. P.*,
Superintendents.

Sworn to and subscribed before me this 5th day of November, 1872.

M. M. SWEAT,
Justice of the Peace.

STATE OF GEORGIA, *Camden County:*

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at Bailey's precinct, in the county of Camden, for a member of Congress to represent the first congressional district in the Forty-third Congress of the United States; and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for Forty-third Congress.	No. of votes polled.
Morgan Rawls received	17
Andrew Sloan received	94

Names of candidates for electors.	No. of votes polled.
William T. Wafford received	23
Washington Poe received	23
Henry L. Benning received	23
Julian Hartridge received	23
H. G. Turner received	23
R. N. Ely received	23
W. J. Hudson received	23
J. M. Pace received	23
H. R. Casey received	23
J. N. Dorsey received	23
E. D. Graham received	23
Amos T. Ackerman received	94
Benjamin Conley received	94
A. W. Stone received	94
Joel Johnson received	94
W. B. Jones received	94
W. W. Merrill received	94
Joel R. Griffin received	94
John F. Shine received	94
C. D. Forsyth received	94
G. S. Fisher received	94
C. A. Ellington received	94

Which will fully appear by reference to the inclosed list of voters and tally-sheet. Given under our hands and official signatures this fifth day of November, 1872.

HENRY UNDERWOOD,
W. D. BROWN,
M. M. SWEAT, *J. P.*,
Superintendents.

STATE OF GEORGIA,
Clerk's Office of Superior Court, Camden County:

I hereby certify that the within and foregoing is a true and correct copy of the precinct returns of the election held the 5th day of November, 1872, at Bailey's precinct, Camden County, Georgia, for a member of Congress to represent the first congressional district in the Forty-third Congress of the United States, and for electors for President and Vice-President of the United States, as returned to and of file in this office.

I further certify that the said returns were not consolidated with the returns sent to the executive department; that the consolidation was made the night of the 6th November, 1872, and the above-mentioned precinct returns were returned to this office by Henry Underwood on the morning of the 7th November, 1872, about ten or eleven o'clock a. m.

In testimony whereof I have hereunto set my hand and the seal of the superior court this the first day of February, 1873.

[SEAL.] E. A. McWHORTER,
Ordinary and Clerk Superior Court, Camden County.

Contestant tenders a paper, marked "E," in evidence.
(Objected to by contestee on the same grounds as that of Exhibit D.)
Said paper is hereto attached.

EXHIBIT E.—*Precinct returns.*

STATE OF GEORGIA, *Camden County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary, or freeholders, (as the case may be,) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so, according to the laws of this State; not knowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any vote is cast unless called on under the law to do so: So help me God.

HENRY UNDERWOOD.
W. D. BROWN.
M. M. SWEAT, *J. P.*

Sworn to and subscribed before me this 5th day of November, 1872.

M. M. SWEAT,
Justice of the Peace.

STATE OF GEORGIA, *Camden County:*

By virtue of the statute in such case made and provided, an election was held on the 5th day of November, 1872, at Bailey's precinct, in the county of Camden, for a member of Congress to represent the first congressional district in the Forty-third Congress of the United States; and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for Forty-third Congress.	No. of votes polled.
Morgan Rawls	17
Andrew Sloan	94

Names of candidates for electors.	No. of votes polled.
William T. Wofford	23
Washington Poe	23
Henry L. Benning	23
Julian Hartridge	23
H. G. Turner	23
Robert N. Ely	23
W. J. Hudson	23
J. M. Pace	23
Henry R. Casey	23
J. N. Dorsey	23
E. D. Graham	23

Names of candidates for electors.	No. of votes polled.
Amos T. Akerman received	94
Benjamin Conly received	94
Amherst W. Stone received	94
Joel Johnson received	94
W. B. Jones received	94
W. W. Merrill received	94
Joel R. Griffin received	94
John F. Shine received	94
C. D. Forsyth received	94
George S. Fisher received	94
C. A. Ellington received	64

Which will fully appear by reference to the inclosed list of votes and tally-sheet.

Given under our hands and official signatures this fifth day of November, 1872.

HENRY UNDERWOOD.
W. D. BROWN.
M. M. SWEAT, *J. P.*

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 11, 1872.

The above and foregoing written page contains a true copy of the paper purporting to be the precinct returns of the election held at Bailey's precinct, Camden County, Georgia, on the 5th day of November, 1872, for electors of President and Vice-President of the United States, on file (but not regularly) in this office. Attached thereto is a copy of a letter from E. A. McWhorter, ordinary and clerk of superior court of said county, showing that the said return was received too late for consolidation, on account of the incompetency of "the horse, or, rather, mule" employed to bring the returns to the court-house to do the duty required of him or her.

Given under my hand and official seal.

DAVID G. COTTING,
Secretary of State.

(Copy.)

SAINT MARY'S, GA., *November* 26, 1872.

Governor SMITH:

SIR: Inclosed please find the election returns of the Bailey's Mills precinct, which came in too late for consolidation, and I have kept them that they might be on hand if called for. I received a letter from Mr. Sloan last night, asking that they might be sent to you, as you would probably order them sent very soon. The cause of their not getting in time for consolidation was that it was impossible to make the trip in time, as the horse, or, rather, mule, was not equal to the task.

Hoping all will be right, I remain yours, &c.,

[SEAL.] E. A. McWHORTER,
Ordinary and Clerk Superior Court.

BULLOCH COUNTY.

MOSES LINQUEFIELD sworn:

Question. Where did you reside last November?—Answer. In the city of Savannah.

Question. What was your employment at that time?—Answer. I was clerk for Jno. G. Blitch, or Blitch & Miller.

Question. What do you know of the returns of the election held in Bulloch County for member of Congress and presidential electors on the 5th of November last having been in Savannah, and where and in whose possession?—Answer. Mr. B. J. Sims came to Savannah on the 11th or 12th of November—I think it was in the morning of the 13th, in Blitch and Miller's store—took a package from his pocket, which he said was the returns of Bulloch County; that he had failed to leave

them with Mr. Sorrier on his way down. There was a lady in the store, Mrs. Griffin, whom he asked if she would not take them back up to Mr. Sorrier. She said she would. He handed her the package. She took it. That is all I know about it.

(OBJECTION.—Contestee objects to the question and answer as merely hearsay evidence, the managers of said election being most competent, and the only witnesses to testify as to the possession of the returns of the precincts of Bulloch County.)

Question. Where did Mr. Sims and Mrs. Griffin then live?—Answer. Mr. Sims, I have understood, lives at Statesborough, in Bulloch County. Mrs. Griffin resides in the same county.

Question. Either of them hold any office in that county at that time?—Answer. Not to my knowledge.

Question. Did Mr. Sorrier then hold any office in that county; and where did he live?—Answer. Not to my knowledge. I do know where he lived.

Question. How far is Statesborough from Savannah?—Answer. About fifty miles, I think.

Cross-examined:

Cross-question. Had you a family and residence on the 5th day of November, 1872? If so, state where your family was, and where your residence was?—Answer. My family lives in Effingham County. My residence is in Savannah. My wife owns a house and lot in Effingham County.

Cross-question. Were you ever in Bulloch County? If so, please state when.—Answer. I passed through Bulloch, I think, in 1866.

Cross-question. Do you know anything of your own knowledge of the holding of an election in Bulloch County on the 5th day of November, 1872, for a member of the Forty-third Congress; and who held that election, and what was done with the return thereof?—Answer. I know nothing of my own knowledge, only what I have previously testified to.

Cross-question. Did you see and examine the purported election returns of Bulloch County, or did you just only state what you heard parties say thereof?—Answer. I saw a package that Mr. Sims took from his pocket, which he said was the returns of Bulloch County. I did not examine them; took his word for it as a truthful man.

Cross-question. Have you not a claim against the United States Government for property lost or destroyed during the war?

(OBJECTION.—Contestant objects to the question as irrelevant.)

Answer. I have none.

M. SIMQUEFIELD.

Sworn and subscribed before me February 6, 1873.

[SEAL.] JOHN J. NEWTON,
Notary Public.

GEORGE G. WILSON sworn:

Question. Did you see or handle any papers purporting to be or represented as the returns from Bulloch County of the election held there on the 5th day of November last for election of President and member of Congress? and, if so, state all that you know in reference to the matter.—Answer. I received a package from Mr. Sorrier, ordinary of

Bulloch County, said to be the returns of Bulloch County, with the request that I should send them to Atlanta. I thought I would send them by express. After having sealed as I seal money packages to send by express, the money he had sent was not sufficient to pay the expenses on it. I then concluded to send it by mail; handed it to my book-keeper to carry to the post-office. This was done at my store at the corner of Congress & Jefferson streets, in this city, (Savannah.) It was after the election; I cannot remember when. Mr. Sorrier did not hand them to me himself, but they were handed to me by some person, the name of whom I do not now remember, who said he brought them from Mr. Sorrier.

Cross-examined:

Cross-question. Did not this package come to you sealed up and addressed to the governor or secretary of state of Georgia? Did you not send it to the post-office in the same condition you received it; and have you any other knowledge of the contents of said package save what was told you by the bearer?—Answer. The package came to me securely sealed up, and addressed to some official in Atlanta. I sent it in same envelope, with the addition of the sealing-wax, that I usually put on packages to send by express. Said package was positively not opened in my store, as I sent it to the post-office immediately on receiving it. I had no other knowledge of its contents except what was represented to me by the bearer.

Cross-question. At the time you received said package were you not accustomed to receive and mail a great deal of mail-matter from officers and citizens of Bulloch County?—Answer. I was. Mail-matter, as well the taxes of that county. I received mail-matter and money-packages, as well as the taxes, to be forwarded by me to different points.

GEO. G. WILSON.

Sworn and subscribed before me February 6, 1873.
[SEAL.] JNO. J. NEWTON,
Notary Public.

Hearing met pursuant to adjournment this February 7, 1873, at the office of Andrew Sloan, at 9 o'clock, a. m. Present, John J. Newton, notary public; Walter C. Beeks, esq., of counsel for contestee; Morgan Rawls and his son, Homer Rawls; Amos T. Akerman, counsel for contestant; Andrew Sloan and the witness, John T. Collins.

JOHN T. COLLINS sworn:

Question. Where do you reside?—Answer. At Brunswick, Ga.

Question. Do you know Mr. Rawls, the contestee?—Answer. I have known him by sight until this morning, when I had an introduction to him.

Question. Did you hear any conversation of Mr. Rawls's, shortly before the election on the 5th of November last in reference to said election? If so, state it, and when and where it was.—Answer. I did hear a conversation between Mr. Rawls and a gentleman unknown to me, while riding on the cars of the Atlantic and Gulf Railroad toward Savannah, on the morning of the 1st of November, in which Mr. Rawls advised the party with whom he was conversing to secure the abolishment of the election precinct at Way's Station on the Atlantic and Gulf

Railroad, by the ordinary of Bryan County, on the day previous to the election, to prevent the colored voters of that county from polling their votes there. Mr. Rawls also stated, when asked by the party with whom he was conversing, the probable result of the election, that it was very doubtful, unless he or the party which he represented should throw out some of the votes of precincts where the negro vote predominated. The party with whom Mr. Rawls was conversing said to him that the probable effect of abolishing the precinct at Way's Station would be that but a small portion of the colored voters in the Way's Station precinct would go to the court-house precinct to vote.

Cross-examined:

Cross-question. Was this conversation directed to you? Did you hear distinctly all that was said by contestee? Were not the cars in motion during this conversation?—Answer. The conversation was not addressed to me. I did not hear distinctly every word that was spoken, although I could have done so, as the conversation, especially on the part of Mr. Rawls, was carried on in a very loud tone of voice. The cars were in motion during a portion of the conversation.

Cross-question. Did you not hear contestee say, in that conversation, that the said precinct should be abolished by the ordinary, or that a sufficient number of contestee's friends should attend that precinct to see that justice should be done him at that election? And did not contestee say that he had heard that the negroes at that precinct had, at an election just preceding that time, had undertaken to take charge of the polls at that place, when a difficulty ensued between them and the sheriff?—Answer. I only heard advice given to abolish the precinct. I heard nothing said in regard to a quarrel or difficulty at any previous election, nor anything in regard to contestee's friends being at that precinct during the election.

Cross-question. Was this conversation directed to but one person, or was it a conversation between a number of persons? And do you know whether the person or persons who took part in said conversation were my political friends or the ordinary of Bryan County?—Answer. The conversation I refer to was with one person. I do not know whether the party was a political friend of the contestee or not, but inferred that he was from the advice given him by the contestee. I do not know whether the party with whom the conversation was held was the ordinary of Bryan County or not.

Cross-question. To which political party did you belong at said election, and for whom did you vote for member of the Forty-third Congress?—Answer. I am and always have been a member of the Republican party, and voted for Andrew Sloan for member of the Forty-third Congress.

Cross-question. Do you know whether or not the said precinct at Way's Station was abolished and no election held there on the 5th of November, 1872, for member of Congress?—Answer. I know nothing in regard to the precinct, and do not know whether an election was held there or not.

Cross-question. Did you not, upon your arrival in Savannah, and before the said election, make an affidavit of the conversation referred to? If so, before whom did you make said affidavit?—Answer. On my arrival in Savannah I made an affidavit in reference to so much of the conversation as referred to the abolishment of the precinct at Way's Station. The affidavit was made before A. W. Stone, as notary public, of Chatham County. The affidavit was made before the election.

Cross-question. Do you know to what political party the said A. W. Stone belonged at the time you made said affidavit before him?—Answer. I supposed him to belong to the republican party.

Cross-question. Did you have any conversation with contestant on your arrival in Savannah before you made said affidavit?—Answer. I did.

Cross-question. Did you have a conversation with Mr. M. H. Hale, of Savannah, before you made said affidavit, with reference to the before-mentioned conversation? Do you know the political sentiments of the said Hale, and was it not by his suggestion, or advice, or concurrence that you made said affidavit?—Answer. I did have a conversation with Mr. Hale before I made the affidavit referred to, and it was with his concurrence, on my own suggestion, that the affidavit was made. Mr. Hale is a republican in politics.

Cross-question. Do you know what official position Mr. Hale held under the United States Government at the time of said conversation?—Answer. He was a special agent of the Treasury Department. Mr. Hale was a supporter of contestant.

Redirect:

Question. With what object did you communicate that conversation and make that affidavit before Mr. Stowe?—Answer. To prevent, if possible, the abolishment of the precinct at Way's Station, and the reduction of the republican vote in that county.

JNO. T. COLLINS.

Sworn and subscribed before me this February 7th, 1873.
[SEAL.] JNO. J. NEWTON,
Notary Public.

KING S. THOMAS sworn:

Question. What office did you hold in Chatham County on the 5th day of November last?—Answer. I was a justice of the peace.

Question. In that capacity did you act as manager of an election on that day for presidential electors and member of Congress, and where?—Answer. I did, at Isle of Hope, Chatham County.

Question. Who were the other managers of that election?—Answer. Joseph Sneed and Lewis Bennett, freeholders.

Question. Was a return of that election made out?—Answer. Yes.

Question. What was done with it?—Answer. It was brought to Savannah for consolidation. It was presented to the managers, at the court-house, for consolidation before 12 o'clock the next day. They, by a vote, refused to consolidate with the court-house vote the outside vote, that is, the vote of the three precincts outside of the city limits. Then the managers of Isle of Hope, Chapman's House, and Cherokee Hill precincts went to the United States court-room to consolidate. Finding it occupied, we then went into the grand jury room of that court, and there consolidated the returns from those precincts. Four tally-sheets and lists of voters were kept at the election. The returns were made out in quadruplicate. One tally-sheet, one return, and one list of voters were sent to the governor, and one of each to the secretary of state, and one of each filed in the office of the clerk of the supreme court of Chatham County, and one each of which was reserved by the managers.

Question. Were copies taken of said return, and lists of voters, and tally-sheet?—Answer. There were.

Question. Look at the paper now presented to you, marked F, and say whether or not it is a copy of said return; the paper marked G, and say whether or not it is a copy of said list of voters; the paper marked H, and say whether or not it is a copy of said tally-sheet.—Answer. They are the copies.

Question. Does said paper, marked F, state the true result of said election at the Isle of Hope?—Answer. It does.

Question. What was done with the consolidated return of said precincts?—Answer. One was sent to the governor, one to the secretary of state, one was delivered or filed in the office of the clerk of the superior court of Chatham County.

Question. Was a copy of said consolidated return taken? And, if so, look upon the paper now handed you, marked I, and say whether or not it is a true copy of said consolidated return.—Answer. A copy was taken, and said paper is a true copy of said return.

Question. Was said election conducted in conformity with the law of Georgia?—Answer. It was.

Question. Was any United States supervisor at that election, and who?—Answer. There was one; his name is Peter Houston. Mr. William R. Warring was also appointed, but refused to attend.

(OBJECTION.—Contestee objects to the witness testifying as to the authenticity of the foregoing exhibits, viz, F, G, H, I, or of any other papers as to the holding of said election, or to the return thereof, the only authenticated copies of said exhibits being evidence by the certificate of the clerk of the superior court, with the seal of the county of Chatham, or by a certificate of the secretary of state, with the seal of the State of Georgia attached.

Contestee also objects to the witness testifying as to the legality of said election, his testimony only being an opinion, and not a fact.)

Cross-examined:

Cross-question. Where did you and the other persons who attempted to hold an election at the so-called precincts reside at the time of said election?—Answer. Lewis Bennett and myself resided in the city of Savannah, and Joseph Sneed at White Bluff, in the 6th district. Lewis J. Moody resided in the 7th district, at Chapman's House. John A. Staley resided in the city of Savannah; Depont C. Rice resided in the city of Savannah; Isaac Seeley resided in the city of Savannah; James Porter resided in the city of Savannah; Avery Smith resided in the city of Savannah. The names of the clerks at the Isle of Hope were John H. Deveaux, who resided in Savannah, Isaac Beckett, who resided in Savannah, and William Cantwell, who resided in Savannah. Charles O. Fisher resided in Savannah, John J. Newton resided in Savannah. I was mistaken about William Cantwell being a clerk at Isle of Hope; he was at one of the other precincts; do not know which. Those are the only clerks whose names I know.

Cross-question. Did you and the other managers of the election, and clerks at said election, held at the so-called precinct at Isle of Hope, cast votes for presidential electors and member of the Forty-third Congress?—Answer. I and the other managers and clerks, except one, voted at that election. I voted for Andrew Sloan. To the best of my knowledge the managers and clerks were all republicans. Democrats were offered an opportunity to act in the management of said election, but they declined to do so.

Cross-question. What reason did the managers at the court-house give for not receiving the returns of the so-called precincts?—Answer. The reason they gave was that the precincts were abolished by the order of Henry S. Wetmore, ordinary of Chatham County.

Cross-question. Do you know of your own knowledge of any other persons voting at that precinct who were residents of Savannah besides the managers and clerks?—Answer. But one, to the best of my knowledge.

Redirect:

Question. Have you compared the copies of the above papers submitted to you to-day with the originals, and is your testimony as to their correctness founded on that examination?—Answer. I have, and it was so founded.

Recross:

Cross-question. How long have you been a justice of the peace? Have you ever presided at any election held at the so-called precinct or precincts before the 5th of November, 1872? If so, at what election? Have there been any elections held at said precinct or precincts for Congressman, governor, or members of the legislature since 1868, and where has been the usual place of holding elections for the above-mentioned officers in Chatham County since the time above mentioned?—Answer. I have been a justice of the peace four years. I did not preside at the precincts mentioned before the 5th of November, 1872. There has not to my knowledge been any elections at those precincts for the officers mentioned since 1868. The election for the officers mentioned have been held at the court-house.

KING S. THOMAS.

Sworn and subscribed before me this February 7th, 1873.
[SEAL.] JNO. J. NEWTON,
Notary Public.

AVERY SMITH sworn:

Question. Were you manager of an election at Cherokee Hill, in Chatham County, for presidential electors and member of Congress on the 5th day of November last? If so, who else were managers, and in what capacity did you each act as such?—Answer. I was. Mr. Isaac Seely and John A. Staley were the others who acted with me. We all acted in the capacity of freeholders.

Question. Was a return of that election made out, and what was done with it?—Answer. A return was made out in triplicate. It was offered at the court-house to the court-house managers on the morning after the election, before 12 o'clock, for consolidation. The court-house managers, after consulting among themselves, refused to consolidate the precinct returns with the vote at the court-house, stating that the precincts had been abolished by the order of the ordinary. The managers of the three precincts outside of Savannah, viz, Isle of Hope, Chapman's House and Cherokee Hill, after holding a consultation in the court-house adjourned to the United States court-room. Finding that occupied, were permitted to use the United States grand-jury room, where we consolidated the vote of the said three precincts. The consolidated return was made out in triplicate; one sent to to the governor, one to the secre-

tary of state, and one sent to the clerk of the superior court of Chatham County. ' The returns of the precincts, with the tally-sheets and lists of voters, were also sent to the governor, secretary of state, and clerk of the superior court. There were three tally-sheets and three lists of the voters kept at the precinct at which I presided.

Question. Were any United States supervisors at that precinct?—Answer. Yes, two; Mr. Crabtree and Mr. Davis, to my recollection.

Question. Were the returns of those precincts ever in the office of the United States district attorney?—Answer. Not to my knowledge.

Cross-examined:

Cross-question. Where did you and the other managers at the precinct where you presided, and the clerks, reside at the time of said election?—Answer. They all resided in the city of Savannah.

Cross-question. Did you and the managers and the clerks at the so-called precinct vote for members of Congress and for presidential electors at that place?—Answer. I voted, and to the best of my knowledge the other managers voted. I do not know for whom they voted. I voted for Andrew Sloan.

Cross-question. To which political party did the other managers and clerks at said precinct belong?—Answer. To the best of my knowledge they belonged to both parties.

Cross-question. Do you know of any other person resident in Savannah voting at that precinct that day except those already mentioned?—Answer. I think there were two.

Cross-question. Was said election held in any house, or where was it held? Did you have a ballot-box, and from whom did you obtain it?—Answer. It was not in a house. Two of the managers having the ballot-box in charge sat in a buggy. One of them received the ballots from the voters and sang out the name to the clerks, at the same time numbering the ballot and passing the same to the other manager, who put it in the ballot-box. The clerks were in a carriage near by the buggy. I do not know from whom the ballot-box was obtained.

Cross-question. Did you see all the ballots cast at the other so-called county precincts; and if you were only present while the voting was going on at one precinct, and did not see the voting or counting at the other so-called precincts, how could you certify as to the correctness of the returns from these so-called precincts?—Answer. The other precincts being several miles from Cherokee Hill, where I acted as manager, it was impossible for me to see the ballots cast at the other two precincts.

(OBJECTION.—Contestant objects, on the ground that the question assumes what no testimony has tended to prove.)

Witness further states: I have not certified.

Cross-question. Do you certify to the correctness of the returns of any other precinct save the one you were at?—Answer. I do not.

AVERY SMITH.

Sworn and subscribed before me this 7th February, 1873.

JNO. J. NEWTON,
Notary Public.

JAMES PORTER sworn:

Question. Did you act as manager at the election for presidential

electors and Congress on the 5th day of November last? If so, where and in what capacity, and who were your fellow-managers?—Answer. I did act as a manager at Chapman's house, in Chatham County, as a freeholder. L. C. Rice, a freeholder, and L. J. Moody, a justice of peace, presided with me.

Question. Was a return made out of said election?—Answer. Yes; in quadruplicate. We inquired that night at the court-house of the court-house managers as to what time we should present them for consolidation, and they said at 10 o'clock the next morning. We met the next day, as directed, at the court-house. The court-house managers organized themselves, and, after much debate, refused to consolidate with us. The managers of each of the country precincts, myself included, presented our returns for consolidation, but they were rejected by the court-house managers. We then entered into a temporary organization to consolidate our own returns. We appointed a committee to wait on the ordinary and request the use of the court-house to consolidate our returns there. We then adjourned to meet at the court-house at 4 o'clock that afternoon. At 4 o'clock we met at the court-house and found the doors locked against us, by order of the ordinary. We then adjourned to meet at the United States court-room. Finding it occupied, we obtained leave to occupy the grand-jury room of the United States court. We then and there consolidated the returns of the three country precincts. We made out the consolidated return in quadruplicate. We sent one to the governor with a return tally-sheet and list of voters of each precinct, one of each of the same papers to the secretary of state, and one of each we deposited with the clerk of the superior court of Chatham County.

Question. Look at the paper now shown you, marked I, and say whether or not it is a true copy of said consolidated return, and how you know.—Answer. It is a true copy of said consolidated return. I recognize it, being in my own handwriting. I copied it from the original.

Question. Look upon the papers now handed you, marked K, L, and M, and state whether or not these are true copies of the original return-list of voters and tally-sheet of the said election at Chapman's house, and how you know?—Answer. They are true copies. I know they are, because I compared them with the originals, and made a memorandum upon each of them.

Question. Look at the papers now handed you, marked N, O, and P, and state whether or not they are copies of the papers produced at the said consolidation of the returns from the country precincts by John A. Staley, Isaac Seeley, and Avery Smith, as the original return-list of voters and tally-sheet of the election at Cherokee Hill precinct on the 5th of November last for presidential electors and Congress, and how you know.—Answer. I know they are, because I personally examined them with the original papers so produced, and indorsed thereon a memorandum and my name.

Question. Were any of the returns from said precincts in the office of the United States district attorney?—Answer. They were not.

Cross-examined:

Cross-question. Where was your residence and the residence of the other managers, and of the clerks, who presided with you at said precincts on the day of said election?—Answer. My residence and that of my fellow-manager, Mr. Rice, and the clerks, was at Savannah, Chatham County. There were three clerks. Lewis J. Moody, justice of the peace,

who presided at said election, resided at the 6-mile post on the Ogeechee road.

Cross-question. Did you and the other managers, and the clerks at said precinct, vote on the day of said election at said precinct?—Answer. I did, and presume they did; cannot say positively.

Cross-question. To what political party did the managers and clerks at said precinct belong?—Answer. I am not prepared to say; as for myself, I voted for Andrew Sloan.

Cross-question. Did any other person residing in the city of Savannah, beside the managers and clerks at that precinct, vote at that precinct at said election?—Answer. I think the coachman did.

Redirect:

Question. Were any United States supervisors at that election, and who?—Answer. Yes, two; Mr. Henry Beiber and Mr. Chapman, at whose house the election was held.

Re cross:

Cross-question. Were you in possession of the returns of said precinct all the while after the election closed, until the consolidation of the returns in the United States grand jury room?—Answer. I was.

Cross-question. Were the other managers of said precinct present with you all the while, from the close of the election until the consolidation?—Answer. They were not. One manager of each district was intrusted with the returns from each district.

JAMES PORTER.

Sworn and subscribed before me this 7th February, 1873.

[SEAL.] JOHN J. NEWTON.
Notary Public.

Contestant tenders in testimony the papers above referred to, marked F, G, H, I, J, K, L, M, N, O, P.

(OBJECTION.—Contestee objects to the foregoing exhibits because they are copies of originals which are, if they exist, now public documents, and on file in the clerk's office of the superior court of Chatham County, and in the secretary of state's office, and authentic copies of said originals should be evidence by the certificate of the clerk of the superior court of Chatham County with the official seal of said county affixed, or by the certificate of the secretary of state with the seal of the State of Georgia affixed. And because said exhibits are no evidence of any election held in Chatham County, the only evidence being the consolidated return made out by the managers of the election held at the courthouse, and now on file in the clerk of the superior court's office, and in the secretary of state's office. Contestee further objects to these and all other exhibits heretofore introduced as bearing upon this contest, no notice having been given, as the law requires, of the introduction of said exhibits in evidence.)

Said papers are appended hereto.

Having met pursuant to adjournment, this February 8, 1873, at 4 o'clock p. m., at the office of Andrew Sloan—present, John J. Newton, notary public, Smith and Beeks, counsel for contestee, Morgan Rawls, and his son, Homer Rawls, Amos T. Akerman, counsel for contestant, and Andrew Sloan—contestant puts in evidence a transcript from the

records of the court of ordinary of Chatham County, Georgia, establishing election precincts at Isle of Hope, Chapman's House, and Cherokee Hill, marked Q, and also two transcripts from the records of the circuit court of the United States for the southern district of Georgia, marked R and S.

(OBJECTION.—Contestee objects to the foregoing Exhibits Q, R, and S, because contestee had no notice of the introduction of said exhibits in evidence at the time and the manner provided by law.)

Said transcripts are hereto appended.

In the matter of the contested election in the first congressional district of Georgia, for a seat to represent the said district in the House of Representatives of the United States of America in the Forty-third Congress.

Depositions of witnesses taken before John J. Newton, a duly and legally appointed notary public, in and for the county of Chatham and State of Georgia, at the law-office of Andrew Sloan, at the corner of Drayton and Bryan streets, in the city of Savannah, county of Chatham, and State of Georgia, on the part of Andrew Sloan, contestant, on the twenty-sixth day of February, A. D. eighteen hundred and seventy-three.

Parties present: Andrew Sloan, contestant, for himself; Walter C. Beeks, of counsel for contestee; and the witness, G. P. Brown.

Contestant puts in evidence the copy of the notice of taking testimony at this time and place, marked Exhibit Y.

G. P. BROWN sworn:

Question. Where did you reside on the 5th day of November last?—Answer. In Scriven County, Georgia.

Question. What official position did you hold on that day in reference to the election for presidential electors and a member of the Forty-third Congress from the first congressional district of Georgia?—Answer. I was supervisor on the part of the republican party at Mars' court-ground on Rocky Creek, in Scriven County, sometimes known as Mobley's Pond district.

Question. Was any election held there on that day?—Answer. There was not.

Question. How was it that no election was held there on that day?—Answer. Because the magistrate was not there to open the polls.

Question. Did the voters of that district assemble there on that day for the purpose of voting; and what connection had you with their collecting at that place, and what induced you to have them assemble there?—Answer. The voters of that district did assemble there that day for the purpose of voting. Mr. William Mars, magistrate in that district, told me that it was a lawful precinct. I was appointed supervisor for that precinct, as stated before. On the 3d of November, on a Sunday evening, I met the said Mr. Bill Mars, magistrate. I asked him was he going to open his precinct on Tuesday the 5th; his reply was yes. He said the superior court would adjourn until Wednesday the 6th for the election to come off. I arrived at the precinct on the 5th of November, 1872. At the usual hour of opening the polls, there was no one there to open the polls. Mr. Bill Mars himself was absent. At the hour of 10 o'clock we asked were there any freeholders there; there was but one

to be found. We remained there until 3 o'clock. No one having arrived to open the polls, I, G. P. Brown, with the assistance of Lewis Burney, president of the Grant and Wilson club, and Richard Arnett, one of the rallying committee, formed all the republican voters in a line; there were two hundred who had their tax-receipts for taxes for the year 1871. They said they were going to vote for Grant and Wilson, and Andrew Sloan for Congress. They all had their ballots in their hands.

(OBJECTION.—Counsel for contestee objects to the question and answer as tending to bring out hearsay evidence. Objects to the witness testifying as to the purpose of any other voter in assembling there save that of himself; that precincts are established by law, and not by what any individual declares.)

Question. Did Mr. Mars, the magistrate, when you had the conversation with him on the Sunday preceding the election, say that he intended to open the polls in that precinct; and what advice did he give you in regard to having the voters assemble at that place?—Answer. He said he intended to open the polls in that precinct. He said it was a lawful precinct established by the ordinary, and that he would meet the voters there.

(OBJECTION.—Counsel for contestee objects to the answer as merely hearsay evidence, and because the establishment of precincts is a question of law, and the records of the ordinary the best evidence thereof.)

Question. How long have you lived in Scriven County, and during that time in general elections, State and county, were the polls opened and voting carried on at this precinct?—Answer. I have lived in Scriven County about two years. There was but two general elections held in that county during my residence there. On the 2d October last, at the governor's election, one was held at Mars' court-ground, the precinct in question.

(OBJECTION.—Counsel for contestee objects, because precincts are established by law, and the records of the ordinary the best evidence thereof.)

Question. Was it not generally understood that that was a voting precinct, and did not you and the other voters assemble there in good faith to cast your ballots?—Answer. It was; I and the other voters assembled there in good faith to cast our ballots.

(Counsel for contestee objects upon the ground as to previous answer. And to the witness testifying as to the motives of other voters.)

Question. Were there any voters rejected by you in the count when you formed them into a line on the ground that they were not qualified electors?—Answer. Yes, five. I did not count any except those who were qualified; there were even two hundred qualified.

Q. Were a majority of the voters there colored or white?—Answer. The majority were colored. I only saw four white men there.

Question. Did you use every effort in your power to have freeholders open the polls?—Answer. Yes, sir.

Question. Was Mr. Wade, the other supervisor, present that day?—Answer. Yes, sir.

Question. How far is it from this precinct to the other nearest voting place?—Answer. Twenty miles, that being Sylvania, the county site; I know of no other—nearer.

Question. Could the voters assembled at this precinct, have gone to any other precinct on that day in time to cast their ballots?—Answer. They could not. They might have gone to Sylvania the night before, if it had not been considered that this was a lawful precinct, and that the polls would be opened there.

Question. Look at the paper now presented to you, marked Exhibit Z, and state what it is?—Answer. It is the republican ticket, with Grant and Wilson and Andrew Sloan for Congress thereon.

Question. Is it like the ballots the two hundred voters had in their hands on the 5th day of November last, at this precinct? If so how do you know?—Answer. It is. I know because I examined them myself; I gave out the tickets myself, having carried them from Savannah to that place.

Question. How do you know these two hundred electors intended to vote that ticket?—Answer. They had them in their hands and said they were going to cast them. I examined each ticket and each man separately told me he intended to vote that ticket.

Question. Who did they say they intended to vote for, for Congress? —Answer. Andrew Sloan.

(OBJECTION.—Counsel for contestee objects to the two preceeding answers as merely hearsay evidence, and as to witness testifying to what votes were cast, or for whom, there being no election held nor the return of any election.)

Question. What is your occupation, and can you read and write?—Answer. I am a minister of the gospel. I can read and write.

Cross-examination:

Cross-question. What was the number of people who assembled at this precinct on the 5th of November, 1872, to vote for presidential electors and member of Congress, and what were their politics?—Answer. About two hundred and ten, all together. The politics of all except four or five were republican.

Cross-question. Were there any voters of any other politics other than republican present? if so, how many?—Answer. There were to my knowledge five democrats present.

Cross-question. Did those five cast their ballots there?—Answer. They did not; because no polls were opened for any of us to cast ballots.

Cross-question. Where were these five democrats when you arranged the republican voters in a line to count their ballots, and were their votes counted by you as were the republican votes?—Answer. They were on the ground about fifty yards off; their votes were not counted by me.

Cross-question. Why did you not count these five votes?—Answer. Did not think I had any business to do it.

Cross-question. Did you not expect when you went to this precinct to do what you did in counting the votes, and in the manner you counted them?—Answer. I did not.

Cross-question. Did the voters who were present at this precinct on that day come of their own accord, or did not you or other parties induce them to come?—Answer. They were there on their own accord.

Cross-question. What do you mean in your direct examination when you call Mr. Richard Arnett one of the rallying committee?—Answer. I meant that he had been appointed by the Grant and Wilson club on that committee. The business of a rallying committee is to rally voters to go to the polls and vote.

Cross-question. Did you ever vote before or at any other election for any county or State officers at this so-called precinct?—Answer. I never have; never voted in that county.

Cross-question. Do you know of your own knowledge, that there was not as many as three freeholders present at that precinct on the fifth of November, 1872?—Answer. I cannot answer of my own knowledge; there were no freeholders among the colored people there; I do not

know that there were any among the whites present, except one, there may have been more than one.

Cross-question. Were you acquainted with all of the voters who voted the republican ticket, or whose votes you counted, and do you know what real property each one possessed at that time?—Answer. Very nearly all; none of them owned any real estate; they owned horses and cows, some of them, I mean.

Cross-question. If you say that there were about 210 persons present at that precinct, how many of them were republicans?—Answer. 205 who were colored men, the other five were white men, and democrats.

Cross-question. Did any of these five democrats hear the question asked which you stated was asked, in your direct examination, whether there were any freeholders present or not?—Answer. They did.

Cross-question. Did any of these five democrats offer to hold the election, and would they have been permitted to hold it had they so offered?—Answer. They did not offer; they would have been permitted to hold the election if they had said that they owned real estate.

Cross-question. What is your political sentiments?—Answer. I am a republican.

Cross-question. Did you count your vote to make up the 200 republican votes which you have said were ready to be polled at this precinct had there been an election held?—Answer. I did not.

Cross-question. Had the voters any other reason to go to this precinct to vote than that they had heard William Mars say that there would be an election held there?—Answer. They considered and said it was always a lawful precinct.

Cross-question. Were you in Savannah, or in Scriven County when you were notified to act as a supervisor at said precinct?—Answer. I was in Scriven County; I don't know by whom I was notified.

Cross-question. If you say you never voted in Scriven County, how do you know that there ever was an election held at this precinct?—Answer. Because I was there at the election on the 2d of October, but we did not vote because our tickets were not there, having gone to Sylvania, we therefore went to Sylvania, at that election, but the democrats voted at that election at this precinct; a few of us arrived at Sylvania in time to vote at that election. I have no other means of knowing that elections had been held at that precinct.

Redirect:

Question. Have you no other knowledge of your own, or derived from others, of the holding of elections at this precinct previous to the governor's election on the 2d of October last?—Answer. I have none of my own, but from others from whom I understood that all general elections had been held at that precinct; in other words, that this had been a voting precinct in all previous general elections.

(OBJECTION—Counsel for contestee objects to the answer as hearsay evidence.)

G. P. BROWN.

Sworn and subscribed before me February 26th, 1873.

JNO. J. NEWTON,
Notary Public.

Contestant puts in evidence Exhibit Z, hereto attached.

EXHIBIT Z.

Regular Republican ticket.

[Cut]

GRANT & WILSON TICKET.

For Presidential electors.

AMOS T. AKERMAN, } At large.
BENJAMIN CONLEY, }
First District.—AMHERST W. STONE.
Second District.—JOEL JOHNSON.
Third District.—W. B. JONES.
Fourth District.—W. W. MERRILL.
Fifth District.—JOEL R. GRIFFIN.
Sixth District.—JOHN F. SHINE.
Seventh District.—C. D. FORSYTH.
Eighth District.—GEORGE S. FISHER.
Ninth District.—C. A. ELLINGTON.
For member of 43d Congress for the first congressional district of Georgia—ANDREW SLOAN.

H. M. TURNER sworn:

Question. What is your business; where did you reside during the year 1872; what position do you now hold, and what official position have you held heretofore? Where were you in September last; what part did you take in the campaign then going on for President and a member of Congress from this district, and what threats and intimidation did you meet with, if any, during that campaign?—Answer. I am at present pastor of the Saint Philip's African Methodist Episcopal Church, of Savannah, Ga. I resided during the year 1872 in the city of Savannah, where I now reside. I was first appointed chaplain in the Army in 1863 by President Lincoln, and again appointed chaplain in the regular Army by President Johnson in 1865; was a member of the constitutional convention of Georgia in 1867 and 1868; have been twice elected a member of the Georgia legislature. In September last I was residing in Savannah, but was traveling and making speeches in the first congressional district. Some time during the month of September, for I am unable to specify the time, I was on the Central Railroad between Savannah and Millen en route for Burke County for the purpose of delivering a political speech, when a couple of white gentlemen, whom I supposed to be democrats, came into the car where I was sitting; one of them, on seeing me, remarked, "There is one of those damned radical speakers, now." The other said, "Who is it?" and the reply was, "That damned Turner." "Yes," said one of them, "they are some of the same crew in the other car." I supposed he had reference to Colonels Atkins and Sloan. Another remark was made, "If I had my way I would hang every damned one of them." At this juncture the whistle blew and the conversation ceased. No violence, whatever, was offered to my person; no other intimidating remarks were made to or about

me personally, as I know of, until on the night of the 17th of September, when I started from the city of Savannah for Homerville, in Clinch County, for the purpose of delivering a political speech on the 18th, but falling asleep on the cars, I was carried by Homerville and was not awakened until I arrived at Lawton, commonly called the Junction. Finding I had passed my place of destination I went off the cars into the depot and asked the agent at the depot if I might remain in the sitting-room where a fire was burning until the returning train arrived, which was due at that place in about three hours from that time. The agent gave his consent and told me to sit down, which I did after procuring my stick and carpet-bag from the train. The train I arrived on left in about seven minutes; after its departure I walked out in the yard in front of the depot and met two colored men and inquired of them the distance from there to Homerville, also whether or not there was to be a political meeting there on the next day. They replied by saying not as they knew of. Some little conversation passed between us for a few moments which I do not now recollect, when a couple of white gentlemen came out of a house opposite the depot, which I took to be a bar-room, walking across to me and the two colored men; one of the white gentlemen calling one of the colored men by name, asked him if he could dance like he used to, and some other remarks which I do not recollect, but in a few moments one of the colored men was whistling and the other dancing. The dance being over, one of the white men remarked that's the glory of the negro, and the other white man replied, "Yes, the negroes would have been a damned sight better off had they been let alone; the country is full of these radical emissaries trying to teach the negro how to vote, when he knows no more about it than a hog knows about Sunday." After a little they walked off, and I asked one of the colored men if he did not think those remarks were made for me; he said "No, I reckon not, as they don't know anything about you." I then walked in the rear of the depot towards a house where I heard the music of a violin; discovering that it was a white people's ball, I drew a little nearer for the purpose of observing their dress, and was looking in at the window, being some seven or eight paces therefrom; in about two minutes afterwards a white gentleman walked down hurriedly from the depot, went into the house where they were dancing and spoke to several gentlemen, who in a few moments followed him out on the piazza. A consultation seemed to have been held; they soon went back into the house and the ball was closed and the gentlemen dispersed, carrying the ladies home. I wondered to myself why the ball had adjourned so instantaneously, but had no idea of any malicious designs or intentions. I, however, went back to the depot, took my carpet-bag for a pillow and laid down on a bench to rest. In a few moments the agent of the depot walked in and stepped up to the lamp which was burning dimly and increased its light, and turned the reflector round so as to throw the light in my face where I was lying. The reflection of the light in my face being somewhat of an annoyance, I raised and sat on the bench and put on my hat. The agent then asked me, "What is your name?" I said "Turner." Said he "Where are you going?" I told him I was waiting for the return train so as to go back to Homerville. Said he, "Why did you not get out then as the train came up?" I said I had overslept myself. Said he, "What did you say your name was?" I again replied, "Turner." He then walked out on the depot platform and went to whispering. The whispering arrested my attention, for I was not aware that any one else was about the premises. In a minute or two after he went out, the two colored men came in with whom I had formerly conversed, and after cracking a few jokes among

themselves, one of them beckoned to me to come across the room somewhat behind the depot-door, so as to prevent those that were out-doors seeing us. He said to me in a whisper, "Stranger, I fear hell's going to be played here, and I want you to do just as I tell you." Says he, "I am sent in here to pick you; there are four white men out-doors and others coming, and I am agoing to ask you if you are not a Greeley man and you must say yes, and hurrah for Greeley, and if you don't, damned if you will ever see home again." He then motioned with his hand and whispered sit down; he jumped up and hallooed out at the height of his voice, "Hurrah for Greeley; I am a Greeley man, and there are none but Greeley men about here, and damned if anybody but Greeley men can live about here," and looking towards me he said in a loud voice, "Ain't you a Greeley man?" and bowing his head towards me and whispered, "Say yes." After a moment's hesitation I replied "I am not discussing politics now." He again nodded his head some half dozen times, waving his hand at me at the same time, and whispering, "Say yes; say yes." I again replied, "I am not now discussing politics," and went out the door and found four men sitting on the depot-steps, whom I knew to be white men or very bright mulattoes. The agent at the depot was among them, whom I knew to be a white man. One of them, looking towards me, said in snubbed voice, "Hello, radical, deliver us a speech." I made no reply to him. I looked across the railroad and saw another white man approaching. I then assumed the appearance of wanting to urinate, and walked off in a diagonal direction to the rear of the depot, and finding myself hid from their sight I kept a direct line running as rapidly as I could until I got to the woods. I then walked and ran together about three-quarters of a mile up the railroad, keeping myself about a hundred yards from the railroad. I then went up to the railroad and discovered something coming down in the direction of the depot. Secreting myself in a thicket of bushes I sat down to await its arrival. Shortly afterward seven white men came along. I heard them in conversation about some man's wife, whom it appeared had been recreant to her marriage vows. After they had passed me a few yards one of them remarked, "The radicals will be minus one to-morrow." Other remarks passed which I do not now remember. They went on, I suppose, to the depot. I crossed over and went down on the opposide side of the railroad. From that I came up and secreted myself in a thicket of woods about 150 yards from the depot. By this time a considerable crowd appears to have collected, as I heard several voices in ordinary conversation. In about a half an hour I heard them go out in the direction I had gone when I left the depot. They were hissing a dog after something, which I took to be an effort to make the dog trail me. But the dog ran off after some hogs, and they finally returned to the depot. They then went to whistling, patting, dancing, laughing, and engaged themselves in general merriment, for the purpose, as I thought, of decoying me from the woods. But I remained in my position until the arrival of the return train, when I came up to the depot and walked in to get my carpet-bag and overcoat. The agent, on observing me, ran out from the northeast corner of the depot to what appeared to be an old engine-house. By the time I came out of the depot with my luggage, I saw emerging from this house some twelve or fifteen men, as I supposed. They at once made toward the train on which they knew I would take passage; but I had gone to another train under a mistake, and they left the right train and came to look for me on the other train, but as they came down on one side of it I went up on the other, and got on the right train. I met

Mr. Pleasant, the mail-agent, and told him there were a set of men here trying to kill me. By this time a crowd of them had jumped upon the platform of the car I was in, and as I thought was trying to get a chance to shoot me. Mr. Pleasant drew his pistol, and advancing toward the door made some threatening remarks, and stated he would blow the first man's brains out who dared to touch me. But as he went toward them I passed through the other end of the car and went into the white people's smoking-car, and the mob followed along the outside of the car as though they were trying to shoot me through the window, muttering some of the most bitter oaths at the same time. I left the smoking-car and went into the white people's car, but still they followed along on the outside. Finding them nothing daunted I returned to the smoking-car, and was about to try to screen myself in the water-closet when Mr. Pleasant came hurriedly to me and said, "Turner, these fellows are determined to kill you to-night; follow me." He opened the door on the opposite side from where the mob was, and said, "Run; follow me." We ran the distance of two cars and came to the United States mail-car. He opened the door and said, "Jump in as quick as you can." I got in and he told the other mail-agent, "Lock these doors, and let Turner stay in; there is a mob out here trying to kill him." The car was immediately closed and locked up, so that I saw no more of the mob, but heard them around the car talking and cursing. I have been told, also, that the mob held a counsel and discussed the propriety of breaking open the mail-car; but the conductor became excited at the condition of things, and supposing they were after killing Mr. Pleasant, rang the bell and had the train to leave as quick as possible. I remained in the United States mail-car until we had traveled 40 miles, and then came out and went in the regular passenger-car and went to sleep.

Question. Were you ever in that county before, and had you done anything there to array these people against you, except your being a republican and working in the interest of the republican party?—Answer. I never was in that county before in my life. I never passed through even on the railroad. I forgot to state that the colored man who apprised me of my danger asked me if I did not tell the agent my name—who stated, at the same time, that the white people up here had said that some radicals were coming up to Clinch County, for they saw their names in some of the Grant papers which they got out of the post-office; and I supposed the papers spoken of must have been the circulars or hand-bills of the meeting that was to have been held in that county.

(OBJECTION.—Counsel for contestee objects to the foregoing answers as irrelevant, and to all statements therein given merely as opinions of the witness, or inferences or suppositions.)

H. M. TURNER.

Sworn and subscribed before me, February 26, 1873.

JNO. J. NEWTON,
Notary Public.

Hearing met pursuant to adjournment at the law office of Andrew Sloan, corner of Drayton and Bryan streets, Savannah, Ga, this February 27, 1873, at 10 o'clock a. m.

Present, John J. Newton, notary public; Andrew Sloan, contestant,

for himself; Walter C. Beeks, esq., of counsel for contestee; Morgan Rawls, contestee, and his son Homer Rawls.

Contestant offers in evidence the return of the election for member of Congress from the first congressional district of Georgia, of the city vote of Savannah, held on the 5th day of November, 1872, marked Exhibit A A, which is hereto appended.

Also poll lists at box No. 1 in the election held in the city of Savannah on the 5th day of November last, marked Exhibit B B, which is hereto appended.

Also poll list of boxes numbers 2, 3, and 4 of the election held on the 5th day of November last for member from the first congressional district of Georgia, in the city of Savannah, at the court-house, marked Exhibits C C, D D, and E E, which are hereto appended.

Also the consolidated return as certified from the secretary of state's office of the vote cast in Burke County for member of the Forty-third Congress from the first congressional district of Georgia, marked Exhibit F F, and the precinct returns of Liberty Hill, the sixty-eighth militia district of Burke County, marked Exhibit G G. Also certified copy of the precinct return from the seventieth militia district of Burke County, marked Exhibit H H. Also certified copy of the precinct return of the seventy-second militia district of Burke County, marked Exhibit J J. Also certified copy of precinct return of the sixty-fourth militia district, Alexander's district. And also Gordon's precinct. Also Bark Camp Cross-road precinct. Also Sarver's shop, sixty-fifth militia district, and Waynesboro' precinct, county site precinct, and the seventy-first militia district, marked respectively Exhibits K K, L L, M M, N N, O O, P P, and Q Q, which are hereto appended.

Contestant also tenders in evidence copy of notice served on John D. Munnerlyn, clerk of the superior court of Burke County, Georgia, notifying him to preserve the list of voters, ballots and other papers pertaining to the election for member of Congress from the first congressional district of Georgia, on the 5th day of November last, together with a return of service thereon made on the 1st day of January, 1873, marked Exhibit R R, which is hereto appended.

Also certified copy of the consolidated return of Appling County, marked S S. Also certified copy of consolidated return of Charleton County, marked Exhibit T T. Also certified copy of the consolidated return of Ward County, marked Exhibit U U. Also certified copy of consolidated return of Bryan County, marked Exhibit V V. Also certified copy of consolidated return of Bulloch County, marked Exhibit W W. Also certified copy of consolidated return of Clinch County, marked Exhibit X X. Also certified copy return of Echol County, marked Exhibit Y Y. Certified copy consolidated return of Effingham County, marked Exhibit Z Z. Also certified copy consolidated return of Emanuel County, marked Exhibit A A A. Also certified copy of consolidated return of Glynn County, marked Exhibit B B B. Also certified copy consolidated return of Liberty County, marked Exhibit C C C. Also certified copy consolidated return of McIntosh County marked Exhibit D D D. Also certified copy consolidated return of Peirce County, marked Exhibit E E E. Also certified copy of consolidated return of Scriven County, marked Exhibit F F F. Also certified copy consolidated return of Tattnall County, marked Exhibit G G G. Also certified copy consolidated return of Wayne County, marked Exhibit H H H. And also certified copy

consolidated return of Camden County, marked Exhibit J J J. Also certified copy of protest served on the secretary of state on the 22d of November, 1872, marked Exhibit K K K. Also certified copy of the oaths of the managers of the county precincts in the county of Chatham, marked Exhibit L L L. Also certified copy of the consolidated return of the three county precincts of Chatham County, known as Chapman's House, Isle of Hope and Cherokee Hill districts, marked Exhibit M M M.

(Contestee objects to the Exhibit M M M, as being the consolidated return of any election precincts of Chatham County.)

Also certified copy of the vote of the counties composing the first congressional district of Georgia, showing the vote as returned to the secretary of state's office up to the 9th of January, 1873, for member of Congress from the first congressional district of Georgia, marked Exhibit N N N.

Contestee objects to the Exhibit N N, as evidence of any returns from the counties of this congressional district, the original consolidated returns of the separate counties being the best evidence.

A. N. WILSON sworn:

Question. Look at the paper now presented you, and say whether or not it is substantially a correct diagram of the lower floor of the court-house in the city of Savannah, and whether or not it shows the relative position of the four ballot-boxes used on the 5th day of November last, when presidential electors and a member of the Forty-third Congress were voted for, and whether it shows substantially the positions of the managers holding said election, and of the clerks keeping the poll-lists; is the same substantially correct as drawn and stated?—Answer. It is substantially correct. It shows the relative position the managers occupied at their boxes, and also the positions of the clerks keeping the poll-lists. I was present at the opening of the polls on the morning of the 5th of November, and during the whole day until the closing of the polls, with the exception of about one hour's absence, from two to three o'clock, I think.

Contestant offers in evidence the diagram above referred to, marked Exhibit O O O.

Cross-examination:

Cross question. Are you certain that the managers, whose positions have been stated and drawn in the above diagram, occupied those same positions during the entire day of that election?—Answer. I recollect no change in the relative position of the managers being made during the day.

Cross-question. Could you see the ballot-boxes and managers all at the same time?—Answer. I did not see them all at once, and do not think I could have seen them all at the same time.

Cross-question. Had you observed, for the purpose of overlooking all the boxes, could you have seen them all at one time?—Answer. By taking an elevated position, either on the north side or the south side of the court-house, all the managers might have been casually seen.

Cross-question. Had you stood upon the same level with the managers, at either north or the south box, and observed, could you have seen all the boxes?—Answer. I do not believe I could have seen all the boxes.

Cross-question. Did you try particularly to observe, from the north or south box, whether you could see the managers at the other ballot-boxes and the boxes?—Answer. I do not recollect that I tried parti-

cularly, but am satisfied the boxes could not have all been seen at the same time.

Cross-question. Did you see, during the day of election, any one prevented from voting who was entitled to vote, or any one vote who was not entitled to do so, of your own knowledge?—Answer. I did not.

Cross-question. To what political party do you belong?—Answer. I belong to the republican party, am collector of internal revenue.

Cross-question. Did you hear on the day of, or prior to, said election, anything of a probable contest of said election?—Answer. In consequence of the frauds and intimidations committed in the State election, on the 2d of October, for governor and members of the legislature, I heard it intimated if similar frauds and intimidations were made and had at the presidential and congressional election there would probably be a contest on the part of the candidates for Congress. The intimations were made by republicans.

Cross-question. What evidences have you of any frauds or intimidations in the last State election?—Answer. I have plenty of evidence on that score; 587 men were prevented from voting whose poll-taxes had been paid to the tax-collector by me—the parties themselves furnishing the money; and 800 men were prevented from voting that day, the money being presented to pay their poll-taxes. In the court-house park a large number of police were stationed with muskets and bayonets; the various military companies were at their drill-rooms ready to be called to arms; and the roughest class of roughs were sworn in as special deputy sheriffs, who surrounded the polls and immediately forced away from the polls those persons who attempted to convince the managers they were violating law in refusing to let men vote who were legally entitled to do so.

Cross-question. Did you vote at the State election, and were you a republican at that time, and were your political sentiments known to the managers and the so-called roughs?—Answer. I was a republican at that time, and my political sentiments were well known to the managers and to the roughs, who knew me. I voted; they offered no resistance to me voting.

Cross-question. As you have given your evidence to the correctness of the diagram above referred to, please state whether you are a professional architect?—Answer. I am not a professional architect, but have had considerable experience in geometrical and perspective draughting.

A. N. WILSON.

Sworn and subscribed before me February 27th, 1873.
[SEAL.] JNO. J. NEWTON,
Notary Public.

Contestee consents to putting in evidence the copies of the subpœnas served on witnesses, which are hereto appended, marked Exhibits P P P, Q Q Q, R R R, and S S S.

Whereupon contestant closes his direct examination.

STATE OF GEORGIA, *Bulloch County, ss:*

In the matter of the contested election in the first congressional district of Georgia for a seat to represent the said district in the House

of Representatives of the United States of America in the Forty-third Congress.

Depositions of witnesses taken before John J. Newton, a duly and legally appointed notary public in and for the county of Chatham and State of Georgia, residing in the first congressional district of Georgia, at the court-house in the town of Statesborough, in the county of Bulloch, on the part of Andrew Sloan, contestant, on the fourteenth day of February, A. D. eighteen hundred and seventy-three.

Parties present: Hon. Amos T. Akerman, counsel for contestant; Morgan Rawls, contestee, and his son, Homer Rawls; and the witness, R. F. Sanders.

Counsel for contestant puts in evidence the copy of the notice of taking testimony at this time and place, marked Exhibit T.

R. F. SANDERS sworn:

Question. Were you manager of an election in Bulloch County, on the 5th day of November last, for presidential electors and member of the Forty-third Congress? If so, at what precinct?—Answer. I cannot say positively; think I was. It was at the forty-sixth militia district.

Question. Who were your fellow-managers?—Answer. James Hendricks, Moses W. Hendricks, and Franklin Oliff.

Question. How far is that from the court-house?—Answer. Fifteen miles.

Question. Who brought the returns for consolidation and the ballots to the court-house?—Answer. Franklin Oliff.

Question. Do you know whether any of the managers at your precinct, and, if so, which of them, participated in the consolidation of the county vote?—Answer. I do not know.

Question. Who was clerk of the superior court of Bulloch County at the time of said election; and up to what time did said clerk remain in office?—Answer. I was the clerk of the superior court of Bulloch County, and remained in said office until the first Monday of this month.

Question. Were the ballots cast at your precinct, and at the other voting-places in this county at said election, ever deposited in your office or delivered to you; and if so, when and by whom?—Answer. I know nothing except that the ballot-box at the court-house was deposited in my office. I have not examined its contents; the ballots at my precinct were sealed up and sent to the court-house.

Question. Were the returns, tally-sheet, and list of voters at your precinct, and at the other voting-places in the county at said election, ever deposited in your office; and, if so, when and by whom?—Answer. I have the same answer to make as in the other question: the tally-sheet and list of voters from my precinct were sent up to the court-house with the returns; I suppose that was done from the other precincts, but do not know this from personal knowledge.

Question. Was any consolidated return of said election in this county ever deposited in your office, or delivered to you; and, if so, when and by whom?—Answer. Nothing outside the ballot-box.

Cross-examined:

Cross-question. How far do you reside from the court-house? Have you an office at the court-house? Did you recognize any person as a deputy or deputies in the county? If so, state their names.—Answer. I reside 16¾ miles from the court-house. I had no bonded or sworn deputy, but Mr. Sims kept my office-keys and attended to little matters for

me. I kept an office at the court house. Mr. Sims lives at the court-house.

Cross-question. Have you ever examined your office to know if all the returns of said election are deposited therein, or could you, were you to examine, know this fact without breaking open sealed packages?—Answer. I have not examined my office. I do not suppose I could know unless I broke open the packages.

Cross-question. Was the election at your precinct conducted under the usual mode of conducting elections? Was the crowd quiet and every man entitled to vote permitted to do so?—Answer. It was conducted in the usual manner; the crowd was quiet, and every man permitted to vote who was entitled to do so; all the votes for Congress were for Mr. Rawls.

R. F. SAUNDERS.

Sworn and subscribed before me this Febraary 14th, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

DAVID BEASLEY, sr., sworn:

Question. Were you manager at an election in this county for presidential electors and member of the Forty-third Congress, on the 5th of November last; and if so, at what precinct?—Answer. I was, at the forty-eighth militia district.

Question. Who were your fellow-managers at that election?—Answer. Jno. R. Miller and Matthew Miller.

Question. Was a return of that election made up?—Answer. It was.

Question. State what was done with that return.—Answer. It was brought to the court-house by me; the return lists and ballots were brought together; this was done on the evening of the election; it was delivered to the ordinary, Mr. Sorrier, and by him put into the court-house ballot-box.

Question. Did any of the managers at your precinct participate in the consolidation of the county vote; and if so, which one of them?—Answer. I do not know that either of them did, and do not think either of them did.

Question. Do you know of your own knowledge who signed the consolidated return?—A. I do not.

Cross-examined:

Cross-question. Was the election where you presided held, conducted, and returned in the usual manner of holding and conducting elections?—Answer. It was; and was, in my opinion, conducted in accordance with law.

Cross-question. Was the crowd quiet on the day of election, and every man permitted to vote who was entitled to do so?—Answer. The crowd was quiet during the election, except near the close, some boisterous language being used by some parties who were under the influence of liquor; but do not think any one was interfered with who was entitled to vote. There were no votes rejected. I think the entire vote for Congress was given for Mr. Rawls.

Cross-question. Were the managers at the court-house present when you gave your returns to Mr. Sorrier?—Answer. I walked in with the returns and found Mr. Sorrier in the court-house near the ballot-box and handed them to him. If my mind serves me right they were counting out and the managers present. I do not recollect who the managers were.

Cross-question. Were the returns at the precinct at which you presided properly sealed up when you presented them to Mr. Sorrier?—Answer. They were.

Cross-question. What is your age, and how long have you been officially connected with the management of elections?—Answer. I was seventy-one years of age last July, and have been connected with the management of elections since 1840, when I was first elected clerk of the superior court.

Cross-question. What is the voting population of Bulloch County, or the usual number of votes polled in Bulloch County, and to what political party do a majority of the voters of said county belong?

(OBJECTION.—Counsel for contestant objects, because not pertinent to the subjects of direct examination.)

Answer. The usual vote is from 800 to 900. The large majority of the voters belong to the democratic party.

Redirect:

Question. To what political party did Mr. Sorrier belong?—Answer. To the democratic party. I belonged also to the democratic party.

Question. How many packages did you return?—Answer. Two; one containing the ballots, and the other the tally-sheet and list of voters and the return; both packages were sealed up by me and the other managers before leaving the precinct, and brought to the court-house in that condition.

DAVID BEASLEY, SEN.

Sworn and subscribed before me February 14, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

JOHN GREEN sworn:

Question. Did you act as manager of the election in Bulloch County, held on the 5th of November last, for presidential electors and member of the Forty-third Congress; and, if so, at what precinct?—Answer. I did, at the forty-fifth militia district, known as the Club-House, in the capacity of notary public and ex-officio justice of the peace. Hiram Franklin and John Jones presided with me.

Question. How far is that election-ground from the court-house?—Answer. About fourteen or fifteen miles.

Question. Was a return made up of that election; if so, what was done with it?—Answer. It was, and was sent to the court-house by Mr. Jones, the manager.

Question. Do you know whether any of the managers at your precinct participated in the consolidation of the county vote; and, if so, who was it?—Answer. I do not know. All I know is that Mr. Jones, on the evening of the election, started off with the returns of my precinct. Beyond that, I do not know who made up or signed the consolidated return, or anything about it.

Question. Were the ballots sealed up at the precinct?—Answer. They were not, because there was no sealing-material at that place; we wrapped them up as well as we could, and authorized Mr. Jones, the manager, to seal them when he got to the court-house. The lists of voters and tally-sheet accompanied the return.

Cross-examined:

Cross-question. How long have you been officially connected with the management of elections; was this election held, conducted, and returned under the usual mode of managing elections?—Answer. About twenty years; may be longer. This election was conducted under the usual mode.

Cross-question. Was the crowd usually quiet on the day of said election, and every man entitled to vote permitted to do so?—Answer. It was, and every man entitled to vote was permitted to do so. Rawls got all the votes for Congress that were polled there.

Cross-question. What is the voting population of your district, and to what political party do the majority of the voters belong?—Answer. About 140 or 150. The majority of the voters belong to the democratic party.

(OBJECTION.—Counsel for contestant objects to the question and answer, because not pertinent to the subjects of direct examination.)

JOHN GREEN.

Sworn and subscribed before me February 14, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

MITCHELL J. GREEN, sworn:

Question. Did you act as manager at an election in this county on the 5th of November last, for presidential electors and member of the Forty-third Congress; and, if so, at what precinct?—Answer. I did. At the forty-fourth militia district, known as the Sink-Hole, in the capacity of notary public and ex-officio justice of the peace. Esquire John Anderson and Norman Rushing presided with me.

Question. Was a return made of that election; and, if so, what was done with it?—Answer. There was; it was placed in the hands of Esquire Anderson, one of the managers, to bring to the court-house. He started with it the evening of the day of election.

Question. Were the returns and ballots sealed up, and how?—Answer. The ballots were in one package, and the return, tally-sheets, and lists of voters in another—both packages were sealed up.

Question. Did any of the managers at your precinct participate in consolidating the county vote; and, if so, which of them?—Answer. I do not know; do not know who made up or signed the consolidated returns.

Cross-examined:

Cross-question. Did you ever assist in managing an election before said election; was this election held, conducted, and returned under the usual modes?—Answer. I did. This election was managed under the usual modes.

Cross-question. Was the crowd quiet, and every man permitted to vote who was entitled to do so, including both white and colored?—Answer. It was, and every man, both white and colored permitted to vote who were entitled to do so. Mr. Rawls received all the votes cast at my precinct for Congress.

Cross-question. What is the voting population of the district, and to what political party do a majority of the voters belong?—Answer. About 160. The district has been unanimously democratic.

(OBJECTION.—Counsel for contestant objects to the question and answer, because not pertinent to the subjects of direct examination.)

M. J. GREEN.

Sworn and subscribed before me February 14, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

JOHN ANDERSON, sworn:

Question. Did you, as one of the managers at the Sink-Hole precinct, bring the returns of the election held there for presidential electors and Congress on the 5th of November last, to the court-house of Bullock County, and when and what did you do with the same?—Answer. I did; on the morning after the election; I returned them to B. J. Sims.

Question. Had you anything more to do with said returns, or do you know of your own knowledge anything more about what was done with them?—Answer. I know nothing about them after I returned them.

Question. Does any Mr. Sims live at the court-house except the said B. J. Sims?—Answer. There is not.

JOHN ANDERSON,

Sworn and subscribed before me February 14th, 1873.

[SEAL.] JNO. J. NEWTON.
Notary Public.

JOHN G. JONES sworn:

Question. Did you, as one of the managers, bring to the court-house the returns of the election held at the forty-fifth district precinct in this county on the 5th day of November last for presidental electors and member of Congress; and if so, what did you do with them?

Question. As one of the managers at that precinct, I brought the returns to the court-house. I returned them to B. J. Sims, the morning after the election. I know nothing more about them?

Question. Do you know anything of the consolidation of the county vote?—Answer. I do not.

Cross-examined:

Question. Did you present these returns to Mr. Sims in the condition they were in when they left the precinct?—Answer. I did.

JOHN G. JONES.

Sworn and subscribed before me February 14th, 1873.

[SEAL.] JOHN J. NEWTON,
Notary Public.

J. C. DELOACH, sworn:

Question. Were you manager at one of the precincts in this county of the election on the 5th of November last for presidential electors

and Congress; if so, at what precinct and who were your fellow managers, and how far is that precinct from the court-house?—Answer. I was, at the forty-seventh militia district, known as the Brier Patch. Curtis Martin and Cuyler Nevills, presided with me. I acted as notary public and ex-officio justice of the peace, the Brier Patch district is about sixteen miles from the court-house.

Question. Was a return made of that election and what was done with it?—Answer. The election at the Brier Patch was held fairly and squarely, all the votes voted for Congress was for Rawls, therefore there is a talk of prosecution of we freeholders, therefore I shall not lay myself liable. I therefore decline to answer the question.

Question. Do you know whether any of the managers at your precinct participated in the consolidation of the vote of the county; and if so, who?—Answer. I do not know.

J. C. DELOACH.

Sworn and subscribed before me February 15th, 1873.
[SEAL.] JNO. J. NEWTON,
Notary Public.

CUYLER NEVILS, sworn:

Question. Were you manager of the election at the Brier Patch for presidential electors and Congress on the 5th of November last; and if so, who were your fellow managers?—Answer. I was; J. C. DeLoach and C. S. Martin presided with me.

Question. Was a return of that election made up and what was done with it, so far as you know?—Answer. There was, it was left in charge of Mr. DeLoach, one of the managers, that is all I know about it.

Cross-examined:

Cross-question. Was this election held and conducted in the usual manner of holding and conducting elections?—Answer. It was.

Cross-question. Was the crowd usually quiet during the day, and every man, both white and colored, permitted to vote who were entitled to do so?—Answer. It was, and every man, both white and colored, permitted to vote who were entitled to do so. Mr. Rawls for Congress received all the votes.

Cross-question. What is the voting population in your district, and to which political party do a majority of the voters of said district belong?—Answer. About one hundred and sixty, a majority of the voters belong to the democratic party.

CUYLER NEVILS.

Sworn and subscribed before me February 14th, 1873.
[SEAL.] JNO. J. NEWTON,
Notary Public.

D. C. PROCTOR sworn:

Question. Were you a manager of the election held at the court-house of this county on the 5th of November last for presidential electors and Congress?—Answer. I was, and presided as notary public and ex-

officio justice of the peace. H. A. Riggs and M. M. Riggs presided with me.

Question. When and where did you last see the return of that election?—Answer. In the court-house, it was the usual time of consolidating elections, as my memory serves me. I do not wish to go further.

Question. Who else was present on that occasion?—Answer. Some of the managers. I do not recollect their names.

Question. Do you recollect whether any of the managers were present except those who officiated at the court-house?—Answer. I remember one or two, do not know whether any more of them was present or not.

Question. Do you remember the names of the one or two managers referred to in your last answer?—Answer. To the best of my recollection Franklin Oliff was present.

Question. Was this on the day of said election or the next day, or at some later day?—Answer. Do not remember well enough to give an answer.

Question. Do you remember whether it was during the week in which said election was held?—Answer. It might have been. I disremember now.

Question. How long have you held the office which you now hold?—Answer. Something over a year.

Question. What is the usual time of consolidating election returns in this county?—Answer. Generally when the precinct returns get in, if they get in in time they are consolidated the day of the election, if not, it is done later.

Question. Do you know how long after said election the latest of the precinct returns thereof came in?—Answer. I do not at this time.

Question. Were you present when the consolidated return of said election was made out, signed and certified?—Answer. I decline answering the question, because the answer might tend to criminate me; and I decline answering further questions on the subject of the returns for the same reasons.

Cross-examined:

Cross-question. Did you have any persons to assist you in making up the returns in a clerical capacity? If so, please state who they were.—Answer. If my memory serves me right Judge Lorrier and Mr. Sims assisted me.

Cross-question. Was the crowd quiet at the court-house on the day of the election; was every man, both white and colored, who were entitled to vote, permitted to do so?—Answer. Everything went on quietly as far as I recollect; and every man was permitted to vote, who wished to do so. All the votes cast at the court-house were voted Mr. Rawls for Congress.

Redirect:

Question. In what place or room were Lorrier, Sims and yourself when they rendered you the assistance mentioned in your answer to the first cross-interrogatory?—Answer. I refuse to answer in what house or room for the reason above given.

Question. Do you remember who, besides yourself and them, was present at the time they rendered you the said assistance?—Answer. I do not at this time.

Question. Do you remember what was done with the tickets cast at

said election?—Answer. They were deposited in the court-house ballot-box, I think, after the court.

D. C. PROCTOR.

Sworn and subscribed before me February 14, 1873.
[SEAL.] JNO. J. NEWTON,
Notary Public.

FRANKLIN CLIFF sworn:

Question. Did you, as one of the managers of the election at the 46th militia district, in Bulloch County, on the 5th day of November last, for presidential electors and Congress, bring to the court-house the returns of said election, and when and what more did you do with them?—Answer. I did the evening of the election, arriving at the court-house about 7 or 8 o'clock. I handed them to Judge Lorrier outside the court-house, and he carried them into the court-house; that is all I know about it. I went in with him.

Question. Were you present when the returns from the various precincts in the county were consolidated?—Answer. I was not.

Cross-examined:

Cross-question. Were the managers of the election at the court-house present when you handed the returns to Mr. Lorrier, and was Mr. Lorrier assisting said managers in making up the returns of said election?—Answer. One or two were present in the house, that I recollect. They might have all been there. Mr. Lorrier seemed to be assisting them.

Redirect:

Question. Who were the one or two managers you saw there?—Answer. Mr. Harmon Riggs was there; do not remember any others. I do not think there were more than three or four persons present in the court-house at that time.

FRANKLIN OLIFF.

Sworn and subscribed before me February 14, 1873.
[SEAL.] JNO. J. NEWTON,
Notary Public.

STATE OF GEORGIA, *Burke County:*

In the matter of the contested election in the first congressional district of Georgia, for a seat to represent the said district in the House of Representatives of the United States of America, in the Forty-third Congress.

Depositions of witnesses taken before John J. Newton, a duly and legally appointed notary public in and for the county of Clatham and State of Georgia, residing in the first congressional district of Georgia, at the court-house in the town of Waynesborough, in the county of Burke, on the part of Andrew Sloan, contestant, on the twenty-first day of February, A. D. (1873) eighteen hundred and seventy-three.

Parties present: Andrew Sloan, contestant, for himself; Corker & Dickson, counsel for contestee; W. U. Sturgis, and the witness, Jno. D. Munnerlyn.

Counsel for contestant puts in evidence the copy of the notice of taking testimony at this time and place, marked Exhibit U.

JNO. D. MUNNERLYN sworn:

Question. Where were you living on the 5th of November last; and what official position did you then hold, and how long afterwards did you hold the same position?—Answer. I lived at Waynesborough, Burke County; was clerk of the superior court of said county, and held said position until the 21st day of January, 1873.

Question. Were you one of the managers of an election held at Waynesborough, on the 5th day of November last, for presidential electors and a member of the Forty-third Congress; if so, who were your fellow-managers, and did you assist in consolidating the vote of this county?—Answer. I was a manager, William U. Surgis, and Tho's H. Blunt, sr., were the other managers. I assisted in consolidating the county vote.

Question. In what room or place was the balloting at Waynesborough carried on?—Answer. In the clerk's office of the superior court where we now are.

Question. Were you continuously present presiding at the ballot-box during the entire day while the balloting was going on?—Answer. I was most generally, only having stepped out occasionally.

Question. How much of the day were you absent?—Answer. I was absent probably a half dozen times—about five minutes each time.

Question. Were the ballots cast, during your absence from the ballot-box, presented to you upon your return for your inspection, or were they deposited in the ballot-box as cast?—Answer. If any were cast during my absence I suppose they were put into the ballot-box by the other managers. There were three managers, two of them always being present.

Question. Did either of the other managers of said election continuously preside thereat during the whole time the balloting was going on?—Answer. They did, with the exception, as I did myself, of going out occasionally, always leaving two managers at the ballot-box.

Question. Can you state whether they were absent longer from the ballot-box than you were; if so, how much longer?—Answer. I do not think they were absent any longer than I was—do not remember.

Question. What became of the ballot-box when the managers were to breakfast, and in whose custody was it left?—Answer. The ballot-box was left in the clerk's office. The office was locked up, and the windows fastened, and the key either handed to one of the supervisors or managers—I do not remember which.

Question. What became of the ballot-box when the managers went to dinner, and in whose charge was it left?—Answer. The ballot-box was left as described in my last answer.

Question. After the balloting closed, what then became of the ballot-box?—Answer. It was left in the same manner in the clerk's office until after supper.

Question. How long was it left at each time?—Answer. At an interval of one hour each, breakfast, dinner, and supper.

Question. Were there more keys than one of your office at that time?—Answer. Only one.

Question. Were the ballots counted out in the clerk's office or were they taken to some other room or place to be counted; if so, when and where was the count made?—Answer. They were taken up in the court-house to be counted, and counted that night. They were taken by either T. H. Blunt, sr., manager, or E. H. Blunt, supervisor, from this office, and carried into the court-house.

Question. Have you any objections to stating your own political sentiments and those of your fellow-managers?—Answer. I have none; we belonged to the liberal party, I suppose.

Question. Who was present at the time the count was carried on, and were either of the managers continuously present during that time?—Answer. There were about two dozen men present. All the managers and supervisors were continuously present all the while.

Question. Were the returns from the several county precincts, together with the ballots and poll-lists, deposited in your office as clerk of the superior court?—Answer. They were not all. There was no regular return from the sixty-first militia district, known as Lester's district.

Question. Was the return or the vote cast in the sixty-first militia district at that election consolidated with, and included in, the consolidated return, as forwarded to the governor?—Answer. They were not.

Question. Was there at any time a return of the election at that precinct filed in your office; if so, when?—Answer. The returns of that precinct were turned over to me by the managers for file, but they stated that they were informal.

Question. Do you know how the vote stood at that precinct for member of Congress?—Answer. I examined the returns on the day they were offered, and saw that there was a majority of 70 or 78 votes for Colonel Sloan.

Question. Was Jno. H. Perkins one of the managers of the election held in the sixty-first militia district on the 5th day of November last?—Answer. He was.

(Contestant tenders in evidence a certified copy of a certificate from the clerk of the superior court of Burke County; also of Jno. H. Perkins in regard to the election held in the sixty-first militia district, the same being certified from the office of secretary of state, marked Exhibit V.)

(Counsel for contestee objects to the certificates of the clerk and Jno. H. Perkins upon the ground that they are inadmissible as evidence; that as to the clerk's certificate, the examination of election returns was no part of his official duty; that in both cases the witnesses should be called, sworn, and examined; that the evidence cannot be legally given in any other way.)

Question. On what day was the said return from the sixty-first militia district turned over at your office?—Answer. On the 6th day of November.

Question. Does your certificate in Exhibit V state the true and only reason why the return from the sixty-first district was not consolidated with the rest?—Answer. To the best of my knowledge and belief, it does.

Question. Were the ballots from the sixty-first district deposited in your office at the time said informal return was brought in?—Answer. They were.

Question. What was done with all the ballots delivered to you from the various voting places in Burke County at that election, after they came to your hands?—Answer. They were burnt, as was the custom, after the grand jury of the county examined them.

Question. When and by whom were they burnt?—Answer. They

were burnt by myself just prior to the 1st day of January—am unable to fix the exact date.

Question. Had they been inspected by any persons after their delivery to you; and if so, by whom?—Answer. Only by members of the grand jury.

Question. At what term of the superior court was that inspection?—Answer. I don't remember whether it was at the May adjourned term, which began on the 11th of November, or at the regular November term; it was at one of them.

Question. Were the tickets from the sixty-first district disposed of at the same time and in the same way with those from other voting-places in said county?—Answer. I think they were unintentionally put in with the others, and disposed of in the same way and at the same time.

Question. Is the clerk's office of the superior court in the court-house or in a separate building?—Answer. Separate building, about 60 feet from the court-house, but in the court-house yard.

Question. Is it a building of one or more stories?—Answer. Only one.

Question. How many windows are in the clerk's office?—Answer. Four.

Question. In what room in the court-house were the votes cast at Waynesborough counted?—Answer. In the court-room proper, which is in the second story of the court-house building.

Question. The consolidated return of which you have spoken was made up of the returns from what voting-places?—Answer. Waynesboro, or the court-house, the seventy-first district, known as Ireland; the seventieth, known as Sodom; the seventy-second, the sixty-eighth, known as Liberty Hill; the sixty-fourth, the seventy-third, seventy-fourth and seventy-fifth, known as Bark Camp; the sixty-third, known as Alexander; the sixty-sixth, known as Gordons; the sixty-fifth, known as Tarver's shop.

Question. Was the consolidated return and one of the returns from each of said voting-places sent to the secretary of state?—Answer. It was.

Cross-examination:

Question. Are you a freeholder?—Answer. I am.

Question. State how you are a freeholder.—Answer. I own real estate as trustee for my wife and children. I hold no lands in Georgia in fee simple, except as trustee.

Question. In what capacity did you act as manager? Answer. As a freeholder.

Question. Did you act as one of the consolidating managers of the county?—Answer. I did.

Question. Do you answer that Jno. H. Perkins was one of the election managers on the 5th of November, in the sixty-first precinct of Burke County?—Answer. I know that he was only from the fact that his name was written across a box said to contain the ballots from that precinct.

Question. Do you know what the result of the consolidated vote was of this county?—Answer. The majority for Mr. Sloan was reported at forty-two.

Question. Was there any error in the addition, or otherwise, of the consolidated return of the vote of Burke County, as sent up to the secretary of state?—Answer. To the best of my knowledge and belief there was no error.

(Counsel for contestee tenders in evidence Exhibit W, as an examined copy of the consolidated return of Burke County.)

(OBJECTION.—Contestant objects to said paper because it does not purport to be, and manifestly is not, a full copy of a legal return.)

Question. What occasion have you had to examine the consolidated return of Burke County carefully?—Answer. I learned from Colonel Rawls, yesterday, that an error had been committed in that return; I therefore carefully examined, and found no cause for the assertion.

Question. Was there any defect in the form of any of the other precincts save the sixty-first district?—Answer. Yes, in the sixty-sixth district, known as Gordon.

(OBJECTION.—Contestant objects to said question and answer on the ground that such informality, if existing, must be shown by the return itself.)

Question. Have the returns and all the tally-sheets and lists of voters been destroyed?—Answer. They have.

Question. In what respect was the return from the sixty-sixth district defective?—Answer. To the best of my knowledge it was defective for the reason the managers neglected to send up but one tally-sheet and one return.

Question. Were any of the returns of the precincts brought in after 12 o'clock of the 6th of November, 1872? If so, what precincts?—Answer. Yes, one; the seventy-first district, known as Ireland. It was brought in twenty minutes after 12 o'clock.

Question. Was there any objection to its being received and incorporated in the consolidation?—Answer. There was. It was rejected at first, but finally received.

Question. Who voted on the question of its reception?

(Last question withdrawn.)

Redirect:

Question. How far is the precinct at the seventy-first from the court-house?—Answer. About fifteen or sixteen miles.

Question. When you say that the returns from the precincts and other papers connected with said election have all been destroyed, do you refer to any except such as were deposited in the office of the clerk of the superior court?—Answer. I do not.

Question. Who brought to you the return and other papers from the sixty-first district?—Answer. I think it was William Warnock.

Question. Was it not after dark on the night of the 5th of November that the ballots at Waynesborough were taken from the clerk's office into the court-house for counting?—Answer. It was.

Question. Were the returns, tally-sheets, and lists of voters destroyed at the same time the ballots were, and by the same persons?—Answer. Yes, sir.

JOHN D. MUNNERLYN.

Sworn and subscribed before me February 21, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

JOHN D. COOK sworn:

Question. Were you manager of an election in this county, on the 5th of November last, for presidential electors and member of Congress; and, if so, at what precinct?—Answer. I was, as a freeholder, at the sixty-fifth militia district, known as Tarver's shop.

Question. Who were your fellow-managers?—A. Esquire Robinson, Tarver, and Major Daniels.

Question. What evidence of having paid taxes did the managers require of voters?—Answer. A receipt for poll-tax from the tax-collector.

Question. Was that required of all voters?—Answer. It was not. They knew all the white men.

Question. It was required, then, only of colored men?—Answer. It was. We held the election until some of the colored men went home and got their tax-receipts. Mr. Tarver would not take their word for it.

Question. Were any colored men present desiring to vote, who failed to do so because the receipts were required?—Answer. To the best of my knowledge there were three or four colored men who attempted to vote who did not have their tax-receipts, and Mr. Tarver told them to stand aside and let others come. They did not vote, because they had no receipts.

Question. For what year's taxes were the receipts required?—Answer. 1871.

Cross-examination:

Question. How many white men failed to vote for the same reason?—Answer. To the best of my recollection, I know of three who did not vote for the same reason. They would have all voted the Greeley ticket, including Mr. Rawls. The two colored men on my place, and the two on the other place, would have, I believe, voted the Greeley ticket.

Redirect:

Question. Did the people of whom you spoke go to the polls at all?—Answer. To the best of my knowledge, they did not.

J. D. COOK.

Sworn and subscribed before me February 21, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

Hearing met pursuant to adjournment, at 10 o'clock a. m., February 22, 1873, at the office of the clerk of the superior court at Waynesborough, Burke County, Georgia.

Parties present: John J. Newton, notary public, and Hon. Amos T. Akerman, counsel for contestant; Corker & Dickson, counsel for contestee, John D. Munnerlyn, and the witness, John Mack.

JOHN MACK sworn:

Question. Had you been appointed supervisor of an election to be held in this county on the 5th of November last for presidential electors and member of Congress; and, if so, for what precinct?—A. I was for the sixty-seventh militia district, known as Knight's district.

Question. To which political party did you belong, and were you not acting for that party?—Answer. To the republican party, and was acting for that party.

Question. Did you act as supervisor at that election that day; and if not, state the reason why?—Answer. I did not. I was arrested on the morning of the election at my home, on Mr. Harmon Cox's place, in the said sixty-seventh district, about 5 o'clock in the morning. I was arrested by Mr. Bell, deputy sheriff of the county. He arrested me on a charge of assault and battery for alleged beating of Joe Smith. He, Mr. Bell, brought me to Waynesborough. He turned me loose here at

Waynesborough, and told me to go and get somebody to give bond for appearance at court before Mr. Green, a justice of the peace, and I gave bond accordingly.

(Objection.—Contestee objects on the ground that there is higher evidence, the warrant and return of the arresting officer. Further objects to that portion of the testimony elicited from the witness in regard to what Mr. Bell said, it being hearsay evidence.)

Question. Where did Mr. Green, the justice, live and officiate?—Answer. In the sixty-seventh district.

Question. Did you appear before Mr. Green to answer to that charge, and when?—Answer. I did, on the Saturday after the election.

Question. What was done with you then and there, in reference to said accusation?—Answer. There was not anything done with me. Mr. Green said he had no warrant, and knew nothing about the matter.

Question. Has any other action been taken in regard to said matter, so far as you know?—Answer. None.

(OBJECTION.—Contestee objects to putting in evidence the sayings of Mr. Green. Further, that the appointment of the witness as supervisor should be shown by the production of a certificate.)

Cross-examination:

Question. Who made the affidavit under which the warrant issued?—Answer. Joe Smith, a colored man.

Question. What were Joe Smith's politics at that time?—Answer. He said he was a republican. I took his word for it.

Question. What difficulty had you had with Joe Smith at the time of said arrest?—Answer. All the difficulty I had with him was that I just pushed him back with my hand at the meeting-ground, he being drunk.

Redirect:

Question. At what kind of a meeting, and on what day was the difficulty of which you spoke.—A. A religious meeting. It was on a Sunday, about a month before the arrest.

Question. What was the occasion of the difficulty?—A. I was appointed to keep order at the meeting-ground. Smith came on the ground drunk and disorderly. I asked him to get back in the road off the meeting-ground. He cursed me, and then he tried to advance upon the ground and I pushed him back.

Question. In the conversation with Smith, in which he told you he was a republican, were you and he talking of your arrest and the warrant; and if so, what account did he then give you of the circumstances under which he swore out the warrant.—Answer. We were; he told me that he was not at home on the Monday morning before the election. Mr. Chavous went to his house looking for him. He was coming from Richmond and met Mr. Chavous at McBean Station. Mr. Chavous told him that I had taken out a warrant for him, and that he had better take out one for me, if not, he would be ruined. He came down to Green's cut on the train; there he was told that he would have to come on to Waynesborough. After arriving at Waynesborough, they got him to drinking and in answering questions, asked him he would say yes. He said he had nothing against me.

(OBJECTION—Contestee objects to all the foregoing hearsay testimony.)

JOHN MACK.

Sworn and subscribed before me, February 22, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

RICHARD WIMBERLY, sworn:

Question. Were you supervisor at the election at the court-house of Burke county (Waynesborough) for presidential electors and member of Congress, on the 5th of November last.—Answer. I was.

Question. Were all the votes that were put into the ballot-box there that day delivered by the voters to the managers of the election at the ballot-box, and in your presence.—Answer. Not all. The magistrate received some at the door, from the hallway. Mr. Blunt, one of the managers, went to the hall door and received ballots.

Question. Did the other managers and supervisors see these ballots delivered by the voters to Mr. Blunt?—A. I saw a portion of them handed to Mr. Blunt, and a portion I did not see.

Cross-examination:

Question. How many votes were handed in the hall door?—A. To the best of my knowledge, not exceeding from thirty to fifty.

Question. Were they balloting at the window and hall door at the same time?—Answer. I think not.

RICHARD WIMBERLY.

Sworn and subscribed before me February 22d, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

JESSE WIMBERLY sworn:

Question. Were you present at the election in Waynesborough on the 5th of November last for presidential electors and a member of Congress?—Answer. I was.

Question. Did you take an active interest at said election; and, if so, for which party?—Answer. I did—in favor of Andrew Sloan, candidate for Congress.

Question. Who supplied the voters at Waynesborough with republican ballots that day?—Answer. I did.

Question. Were all of said ballots of one pattern?—Answer. They were—and the one now tendered me marked Exhibit X is a sample.

EXHIBIT X.

Republican ticket.

[Cut.]

GRANT & WILSON TICKET.

For Presidential Electors,

AMOS T. AKERMAN, } At large.
BENJAMIN CONLEY, }

First district—AMHERST W. STONE.
Second district—JOEL JOHNSON.
Third distrtct—W. B. JONES.
Fourth district—W. W. MERRILL.
Fifth district—JOEL R. GRIFFIN.
Sixth district—JOHN F. SHINE.

Seventh district—C. D. FORSYTH.
Eighth district—GEORGE S. FISHER.
Ninth district—C. A. ELLINGTON.
For member of 43d Congress for the First Congressional district of Georgia—ANDREW SLOAN.

Question. Did they differ in size and appearance from the democratic ballots used at Waynesborough that day?—Answer. They did, very decidedly.

Question. Have you been familiar with elections at Waynesborough for some years past, and have you found yourself able, from observation, to form some judgment of the state of the vote there prior to the count?—Answer. I have.

Question. Were you a close observer of the election there that day?—Answer. I was.

Question. From such opportunities as you had of judging, what is your judgment of the respective proportion of democratic and republican tickets delivered by voters to the managers there at that election?—Answer. About five and one-half republican, including Sloan, to about one and one-half democratic, including Rawls.

Question. By what other names has the precinct in the sixty-first district been known?—Answer. Lester's district.

(Counsel for contestant puts in evidence the ballot marked X.)

JESSE WIMBERLY.

Sworn and subscribed before me February 22, 1873.
[SEAL.] JNO. J. NEWTON,
Notary Public.

JOHN WARREN sworn:

Question. Did you distribute votes at the election at Waynesborough on 5th of November last, for presidential electors and member of Congress?—Answer. I did.

Question. What tickets did you distribute?—Answer. Republican—all like Exhibit X.

Question. Were you much acquainted with the voters there that day?—Answer. Pretty much.

Question. Have you taken an interest at Waynesborough at previous elections?—Answer. I have.

Question. Did you observe this election closely?—Answer. I did.

Question. From the number of tickets you gave out, and from what you observed of that election, for which ticket, republican or democratic, were the larger number of ballots cast there that day, in your judgment?—Answer. Republican ticket.

(OBJECTION.—Contestee objects on the ground that testimony is based upon opinion.)

JOHN WARREN.

Sworn and subscribed to before me February 22, 1873.
[SEAL]. JNO. J. NEWTON,
Notary Public.

JOHN JOHNSON sworn:

Question. Were you present at Waynesborough, at the election on the 5th of November last for presidential electors and member of Congress?—Answer. I was.

Question. Did you distribute votes there that day and take an active interest in the election?—Answer. I did.

Question. In behalf of which party?—Answer. Republican party. The tickets I gave out were all like Exhibit X.

Question. Could you readily know the republican and democratic tickets when you saw them?—Answer. I could, there being a vast difference in the appearance of the same.

Question. Did you observe the voting closely and notice what sort of ballots went into the box?—Answer. I did.

Question. Have you taken an interest in previous elections in Waynesborough?—Answer. I have.

Question. From your observation on that day, what is your judgment as to which ticket, the democratic or republican, had the greater number of votes given at Waynesborough that day?—Answer. Republican.

(Contestee objects to the testimony of the witness, it being based upon opinion only.)

Cross-examination:

Question. Can you read and write?—Answer. I cannot.

his
JOHN + JOHNSON.
mark.

Sworn and subscribed before me February 22, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

JOHN H. PERKINS sworn:

Question. Were you manager of an election at the sixty-first election precinct, in Burke County, on the 5th of November last, for presidential electors and member of the Forty-third Congress?—Answer. I was manager of an election when Greeley, Grant, Sloan, and Rawls were candidates; do not remember date, but it was the last presidential election.

Question. Who were your fellow-managers at that precinct?—Answer. William Warnock and H. L. Perkins; I as justice of the peace, and they as freeholders.

Question. How many votes were cast there that day?—Answer. I cannot remember.

Question. What occurred there in reference to the counting of the votes?—Answer. We commenced counting the votes in the usual form, and at the suggestion of Dr. Young, I think, one of the supervisors, I changed the way we were counting at that time, because, there being no split tickets, they all being the Grant and Wilson or the Greeley and Brown ticket, that they could be more easily counted in a different way. I opened the ballot-box, took the tickets out, and counted the Grant tickets, Dr. Young looking on to see if I did it right. George W. Warnock, clerk, counted the Greeley tickets, Judge Corswell, supervisor, looking on to see if he did it right. After we finished counting we then added up the result. We then intended to tally them

off. I think I tallied off one name of an elector; don't remember which ticket. I think, though, it was the first name on a Grant ticket; am not positive. At that time the other two managers, Warnock and Perkins, came into the room and said they would not certify to the election. After that we went no further with it, because they refused to have anything to do with it.

Question. Were the Grant republican tickets given at that election the same as the one now shown you marked Exhibit X?—Answer. I think it is, except when they were torn. Some of the managers said that the picture on the ticket was not lawful, therefore they were torn off, by order of Dr. Young, of some of them.

Question. How did the vote for Congress stand between Sloan and Rawls? If you do not remember the number of votes given for each, state which had the majority, and how large was that majority, to the best of your recollection?—Answer. Sloan, I think, was ahead; do not recollect distinctly the number.

Question. Were such proceedings as were had with the count, and a return of them, and the lists of voters and tally-sheets, sent to Waynesborough, and by whom? Answer. They were, and were sent to Waynesborough by Mr. Warnock, one of the managers.

Cross-examination:

Question. Are the facts stated in Exhibit V correct?—Answer. I made the certificate from the best of my recollection.

Question. State particularly and fully the reasons given by Warnock and Perkins, the other two managers, for not signing the returns.—Answer. That they were absent and did not see the count, and, therefore, did not know that the count was correct.

Question. Were tally-sheets kept of that election as usual?—Answer. There was a correct tally kept until I opened the ballot-box. After that only one name was tallied off, one name, as stated in my direct testimony.

Redirect:

Question. To which of the political parties of the country, republican or democratic, do you belong?—Answer. I am a democrat to the core.

Question. To which party, according to your information, did the other managers belong?—Answer. Democratic.

JNO. H. PERKINS.

Sworn and subscribed before me February 22, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

JESSE WIMBERLY recalled:

Question. To what political party did Mr. Bell, the deputy sheriff, and Mr. Chavous, referred to by the witness Mack and the three managers of said election at Waynesborough, belong at the time of said election?—Answer. Answer most emphatically, the democratic.

JESSE WIMBERLY.

Sworn and subscribed before me February 22, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

Depositions taken in Burke County, Georgia, by Isaac Beckett.

UNITED STATES OF AMERICA,
Southern District of Georgia:

I, James McPherson, clerk of the district court of the United States for the southern district of Georgia, hereby certify that Isaac Beckett, esq., is a register in bankruptcy, duly appointed and commissioned by the said court for the first congressional district of Georgia, and his attestations as such are entitled to full credit.

In testimony whereof I have hereunto set my official signature and affixed the seal of the said court at the city of Savannah, on this the 28th day of April, A. D. 1873.

[SEAL.] JAS. McPHERSON, *Clerk.*

In the matter of the contested election for representative in Congress from the (1st) first congressional district of Georgia, wherein Morgan Rawls is returned as representative elect, to the (43) forty-third Congress of the United States, and Andrew Sloan appears, as contestant.

I, Isaac Beckett, register in bankruptcy at Savannah, Georgia, hereby certify that I acted as commissioner on the part of the contestant, in taking his testimony at number one Augusta and Savannah Railroad, in Burke County, Georgia, and that the enclosed testimony and exhibits thereto attached constitute the testimony and exhibits taken at said place.

In witness whereof, I have hereunto set my hand and seal this the 28th day of April ,A. D. eighteen hundred and seventy-three.

ISAAC BECKETT,
Register in Bankruptcy.

In the matter of the contested election of Andrew Sloan vs. Morgan Rawls for a seat in the House of Representatives of the United States of America, in the Forty-third Congress, from the first congressional district of the state of Georgia.

Depositions of witnesses taken before Isaac Beckett, esq., register in bankruptcy, residing in the city of Savannah, in the first congressional district of Georgia, at number one on the Savannah and Augusta Railroad, in the county of Burke, State of Georgia, on the part of Andrew Sloan, contestant, on the twenty-first day of February, A. D. 1873.

Parties present, Isaac Beckett, esq., register in bankruptcy, and James Atkins, counsel for contestant, T. M. Berrien, counsel for contestee, and the witness.

Counsel for contestant puts in evidence a copy of the notice for taking testimony at this point, marked Exhibit No. 1.

T. M. Berrien, esq., counsel for Morgan Rawls, objects to taking testimony at this place, number one Augusta and Savannah Railroad, this day, for the reason that Mr. Rawls is notified to appear this day at Waynesborough, by Andrew Sloan, contestant, for the purpose of contesting.

It is agreed between the respective counsel that the notice of the contestant to take testimony at this place, not being at hand for introduction, is waived, with the understanding that it shall be introduced when it is at hand.

SMITH MOBLEY, being duly sworn to tell the truth, the whole truth, and nothing but the truth, doth depose and say:

I voted for presidential electors and member of Congress, at the the election held on the sixth day of last November, at Liberty Hill, in the county of Burke. To the best of my judgment, I voted a ticket like the one produced. (Ticket hereunto attached, marked Exhibit No. 2.)

Cross-examined by counsel for contestee:

Question. Can you read or write? Answer. I cannot.

Question. What are your reasons for supposing that you voted that ticket. Answer. Bacause it favors the ticket that I voted.

his
SMITH + MOBLEY.
mark.

BERRY BRIGHAM, being sworn examined, and says:

Question. State whether you voted for presidential electors and members of Congress, on the 6th day of November last, and if so, where?—Answer. I did; at Liberty Hill, in the county of Burke.

Question. Where do you reside?—Answer. I live in the county of Burke.

Question. What ticket did you vote on that day?—Answer. Grant.

Question. Is the ticket produced the same as the ticket that you voted? (Exhibit No. 2.)—Answer. The ticket exhibited is the same as that which I voted.

Cross-examined:

Cross-question. Was the ticket you voted exactly like that?—Answer. I think it was, sir.

Cross-question. Was the picture the same?—Answer. I cannot be positive about that. I think it had the same writing on the side.

Cross-question. Can you read and write?—Answer. No.

Cross-question. If you are not sure of the picture and cannot read and write, what reasons have you for supposing it is the same ticket.—Answer. Because it favors it. The letters look like it. I can spell a little.

Redirect:

Question. What was the ticket called that you voted; the democratic or the radical ticket?—Answer. The radical ticket.

Question. Is that the radical ticket?—Answer. It looks like it, and I understand it to be.

Question. Do you not know that ticket from the size of it?—Answer. I don't think I know any difference in the size.

Cross-examined:

Counsel for contestee handed witness the ticket. The witness read the letters "S-i-x-t-h."

Question. What does sixth spell?

(Objected to by counsel for the contestant on the ground that it was not in rebuttal of anything called out on the direct examination, and that it is immaterial.)

Answer. I do not know.

his
BERRY × BRIGHAM.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

KINNEY ANDERSON, being sworn and examined, says:

(Counsel for contestee objects to the examination of this witness, for the reason that his name is not on the list of witnesses furnished by contestant; and second, because counsel for contestant conferred with witness after being sworn.)

Question. What name are you called by by your neighbors?—Answer. Kinney Anderson.

Question. Did you vote on the 6th day of November last, and if so, where?—Answer. I voted at Liberty Hill, in Burke County.

Question. Do you live in Burke County?—Answer. I do; at Tom Oliver's quarters, near Stony Bluff, in Burke County.

Question. Did you live at same place last year?—Answer. I did.

Question. What ticket did you vote at the presidential election on the 5th of November last?—Answer. Grant and Wilson.

Question. Who did you vote for at that time for Congress?—Answer. I don't understand.

Question. Did you vote for Andrew Sloan or for Morgan Rawls?—Answer. I gave the ticket for Grant and Wilson. I did not know.

Question. Did you know that Andrew Sloan and Morgan Rawls were running against each other for Congress?—Answer. I did not understand it in that way.

Question. Was the ticket that you voted just like the ticket now in your hand? (Exhibit No. 2.)—Answer. It was just like it. The very letters in it.

Cross-examination:

Cross-question. Do you know your letters, Kinney?—Answer. I do.

Cross-question. Is that ticket like the other in all particulars?—Answer. Yes; except the writing on the side.

Cross-question. Did you vote in the October election?

(Objected to by counsel for contestant on the ground of immateriality.)

Answer. I did.

Cross-question. Do you know the line between Scriven and Burke County?—Answer. I do. I live on the lower line of Burke, and the line between Burke and Scriven is one hundred and fifty or two hundred yards from my house.

KINNEY ANDERSON.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

DAVID GODBY, being sworn, says:

Question. Where did you live last year?—Answer. I lived in the 68th district of Burke County.

Question. Did you vote at the election for presidential electors and member of Congress on the 5th day of November last?—Answer. I did.

Question. At what place did you vote?—Answer. At Liberty Hill.

Question. Do you know who were the managers of that election?—Answer. Mr. Simeon Godby, I think, and Mr. Washington Mobley.

(Objected to by counsel for contestee on the ground that the highest evidence should be produced, and this is a matter of record.)

Question. Who received your vote at that election when you handed it in?—Answer. I think it was Mr. Simeon Godby.

Question. Who did you vote for for Congress at that election?—Answer. For Mr. Sloan—Andrew Sloan.

Cross-examined:

Cross-question. Can you read and write?—Answer. No, sir.

Cross-question. Who else did you vote for for Congress at that time? (Objected to as immaterial.)

Answer. I disremember the name.

Cross-question. Was it Rawls?—Answer. It was not Rawls.

Cross-question. How do you know you voted for Sloan?—Answer. I had the ticket that his name was on. They said it was Sloan. I could not read it. I got the ticket from Harper, the one-legged man—Edwin Harper.

Redirect:

Question. Was the ticket you voted like that?—Answer. Yes; it had a woman on it like that.

his
DAVID + GODBY.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

WILSON BRIGHAM, being sworn and examined, says:

Question. In what county did you live last year?—Answer. In Burke County, sixty-eighth district.

(Counsel for contestee object to the introduction and examination of this witness, on the ground that his name is not on the list furnished by contestant.)

Question. Did you vote at the election for presidential electors and members of Congress on the 5th day of November last? For whom did you vote for Congress?—Answer. For Andrew Sloan.

Cross-examination:

Cross-question. Can you read and write?—Answer. No, sir.

Cross-question. How do you know you voted for Sloan?—Answer. They told me so; not that I know, only that I put in a ticket they called the republican ticket.

Cross-question. Who else was on that ticket?—Answer. I do not know, sir.

Redirect:

Question. Is this the ticket you voted? (Exhibit No. 2.)—Answer. It looks like it, but I think the ticket I voted was cut in two.

Question. Were both pieces put in?—Answer. I think the lower part was cut off about here, (witness pointed to Sloan's name,) but I think both pieces were put in.

his
WILSON + BRIGHAM.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

JOHN BRIGHAM sworn and examined:

Question. In what county did you live last year?—Answer. In Burke County.

Question. Did you vote at the election for presidential electors and members of Congress on the 5th day of November last?—Answer. I did.

Question. For whom did you vote for Congress at that election?—Answer. For Andrew Sloan.

Cross-examined:

Cross-question. Do you know whose names were on the ticket at the time you voted?—Answer. I think I do. Grant and Wilson's names were on these.

Cross-question. Did you know at that time that Sloan's name was on it?—Answer. I did not.

Cross-question. How do you know it now?—Answer. I know by what others said—from what our president said. By our president I mean the president of our club—Cage Griffin.

Cross-question. There were two elections last fall; to which of them do you refer?—Answer. To the first election.

Redirect:

Question. Was this the presidential election or the election for governor that you are talking about?—Answer. The election for President.

Question. Are you certain that it was the first election held last fall?—Answer. As well as I can recollect, I think it is. To the best of my knowledge and recollection, I think it is.

Question. Are you certain that it was at the presidential election?—Answer. As well as I can recollect, it was.

Question. Who received your ticket at that election; who were the managers?

(Objected to on the ground that it is a matter of record, and that the record should be produced.)

Answer. Washington Mobley was one of the managers. It slipped my memory who assisted him. I do not remember who took my vote.

his
JOHN + BRIGHAM.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

Counsel for contestant at this point placed in evidence the notice waived at the commencement of this examination, viz, copy of notice and supplemental notice, marked Exhibit No. 1.

HARRY SMITH, sworn and examined, says:

Question. What is your name?—Answer. Harry Smith.

Question. What county did you live in last year?—Answer. In Burke County, in the sixty-eighth district.

Question. Did you vote in the election for President and for Congressman last fall on the 5th of November; and, if so, where?—Answer. I did, in the sixty-eighth district, Burke County, at Liberty Hill

Question. Who did you vote for, for Congress?—Answer. I voted for Andrew Sloan, and for Mr. Grant and Mr. Wilson.

Cross-examined:

Cross-question. Can you read and write?—Answer. No, sir.

Cross-question. How do you know you voted for Sloan?—Answer. The ticket was read to me.

Cross-question. Did you know that day that you were voting for Mr. Sloan?—Answer. Yes.

his
HARRY + SMITH.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

HENRY BRIGHAM sworn and examined:

Question. What is your name?—Answer. Henry Brigham.

Question. Where did you live last year?—Answer. Sixty-eighth district of Burke County.

Question. Did you vote at the election for President and member of Congress last fall on November 5th; and if so, where?—Answer. I voted at that election, at Liberty Hill, sixty-eighth district.

Question. For whom did you vote for Congress?—Answer. For Andrew Sloan.

Question. Who received your vote at the ballot-box?—Answer. Ira Heath, Washington Mobley, and Simeon Godby.

Cross-examined:

Cross-question. Did they receive your ticket in the room?—Answer. They received my ticket in the room up stairs; they were in the room, and I was in the room too.

Cross-question. Was there any other person in the room besides those around the ballot-boxes?—Answer. There were others in there, but they did not seem to have anything to do with receiving the tickets.

his
HENRY + BRIGHAM.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

MOSES WARD, being duly sworn, says:

Question. What is your name?—Answer. Moses Ward.

Question. In what county did you reside last year?—Answer. In the sixty-eighth district, in Burke County.

Question. Did you vote at the presidential election on the 5th day of November last; and if so, where?—Answer. I did; at Liberty Hill, in the sixty-eighth district.

Question. For whom did you vote for Congress?—Answer. For Andrew Sloan.

Cross-examined by counsel for contestant:

Cross-question. Can you read or write?—Answer. I can read print; I cannot read writing.

his
MOSES + WARD.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

SUMTER BLOCKER sworn and examined:

Question. Where did you live last year?—Answer. In Burke County.

Question. Did you vote in the election held on November 5th for presidential electors and Congress last year?—Answer. Yes.

Question. Where did you vote?—Answer. At Liberty Hill.

Question. Who did you vote for for Congress at that election?—Answer. I don't remember.

Question. Did you vote for Morgan Rawls or Andrew Sloan?—Answer. I voted for Andrew Sloan.

Cross-examined:

Cross-question. Can you read and write?—Answer. No, sir.

Cross-question. Who told you that you voted for Andrew Sloan?—Answer. Some of the men that looked at my ticket.

Cross-question. Who were the men?—Answer. Asa Clark told me.

Cross-question. When did he tell you?—Answer. At the day of election. Isaac Boyd handed me the ticket, and Asa Clark told me what it was.

Cross-question. Do you know of your own knowledge, or just from what they told you?—Answer. From what they told me; I did not know of my own knowledge.

Cross-question. Did anybody talk with you about it since?—Answer. No.

Cross-question. Who else did you vote for for Congress, except Sloan?—Answer. Grant and Wilson, and Sloan; no one else, as far as my knowledge goes; they did not tell me anybody else.

Cross-question. Did Asa Clark tell you to-day that you voted for him?—Answer. I have not seen him to-day.

Cross-question. When was it that you voted this ticket?—Answer. The election before this last. I can't tell you the day of the month. It was before Christmas.

Cross-question. Was this election the first election or the second election that you attended?—Answer. It was the second big election.

Re-direct:

Question. Is that the ticket that you voted that Isaac Boyd gave you? (Exhibit No. 2.)—Answer. I think that was the same ticket.

Cross-examination:

Cross-question. Was the ticket whole or torn in two?—Answer. I gave it in whole.

his
SUMTER × BLOCKER.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

MOSES YOUNG sworn and examined:

Question. What is your name?—Answer. Moses Young.

Question. In what county did you reside last year?—Answer. In Burke County, at Liberty Hill.

Question. Did you vote for presidential electors and for members of Congress last November?—Answer. Yes, sir.

Question. Where did you vote at that election?—Answer. At Liberty Hill.

Question. Did you vote for Andrew Sloan or for Morgan Rawls at that election?—Answer. I voted for Andrew Sloan.

Question. Did you meet any white men on the road that day, that told you there would be no election that day at Liberty Hill?—Answer. Yes, sir; they told me there would be no election on the Tuesday; that it would be on Wednesday.

Question. Did you know any of the men that you met, that told you this?—Answer. No; but I met one who told me that there was no use in me going; that it would not do me any bit of good at all.

Cross-examined:

Cross-question. How do you know you voted for Sloan?—Answer. I can read a little myself, and some one told me. I did not read well enough to read the ticket. A right smart of the colored population can read.

Cross-question. Was this before the election that they told you it was Sloan?—Answer. It was the same day of the election.

Redirect:

Question. Do you know enough to tell whether that is the ticket that you voted or not? (Exhibit No. 2 shown to witness.)—Answer. As far as I can make out, that is nearly pretty much the ticket.

his
MOSES YOUNG.
mark.

Sworn to and subscribed before me February 21st, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

J. ASA CLARK, being sworn, says:

Question. Where did you reside last year?—Answer. In the sixty-eighth district of Burke County.

Question. Did you vote at the election for presidential electors and members of Congress held on the fifth day of November last?—Answer. I did.

Question. At what place?—Answer. At Liberty Hill, in the sixty-eighth district.

Question. For whom did you vote for Congress at that time?—Answer. For Andrew Sloan.

Q. Do you hold any position in a Grant and Wilson club that existed down there?—Answer. I do; the position of secretary.

Question. Were you assigned any duty to do by that club on the day of election; and if so, what was that duty?—Answer. I was to take

down the names, and to look over the tickets as they were given out to the voters.

Question. Who gave out the tickets to the voters on that day?—Answer. Old Isaac Boyd part of the day, and myself the balance of the day.

Question. How far were you from, and how situated as to the polls?—Answer. About twelve or fifteen—about fifteen feet from the steps leading to the room in the second story, in which the ballot-box was situated.

Question. Did you stand where you could see the ballot-box and the ballots, as they were deposited therein?—Answer. I was not so situated all the time.

Question. Look at this paper, and tell me whether you ever saw it before?—Answer. I did.

Question. Who wrote the names on that paper?

Answer. I wrote all the names of the voters, except Mr. Mobley. He wrote his own name.

Question. Are these the names of men to whom you saw tickets given out?

Answer. Yes.

Question. Did you see tickets given to every one of these men?

Answer. To every one of them.

Question. Is the ticket now shown to you (Exhibit No. 2) the same ticket that was given to the men whose names are on this paper?

Answer. The tickets were the same as this.

Question. Were any of these tickets cut or tampered with in any way; and, if so, who did it?

Answer. Yes; they were cut by the clerks to the managers. The words, "For member of Forty-third Congress for the first congressional district of Georgia, Andrew Sloan," were cut off by them.

Question. Were the parts cut off deposited in the ballot-box?

Answer. Yes; they were folded with the balance of the ticket, and put in the box.

Question. How did Mr. Washington Mobley come to sign his name upon that paper?

Answer. Myself and old man Isaac Boyd went to his house and requested him to sign the paper, and he did so.

Question. Did he make any acknowledgment in your presence as to this being a correct list of men who voted at the polls upon that day?

(Objected to by counsel for contestee, on the ground that it is hearsay testimony, and that Mobley himself could have been brought before this court.)

Answer. He said he did not think it would do any good for him to sign it, but he would do so.

Question. State whether or not the men who took these tickets in your presence, whose names are on this paper, proceeded at once to deposit them in the ballot-box.

Answer. They did.

(Counsel for contestant offered the paper mentioned at this point as testimony. Paper marked Exhibit No. 3.

Counsel for contestee objects to the introduction of this paper as evidence, not having notice of its production.)

Question. Who is the president of your club?—Answer. Cage Griffin.

Question. What are the other officers of your club?

(Question objected to on the ground of immateriality.)

Answer. There is a vice-president and second vice-president.

Question. What is the name of each of these officers?—Answer. Edmund Harper and Cyrus Peck.

Question. Did your club go to the polls in an organized way?—Answer. Yes; and then they went up to the polls ten at a time, until towards the last, when they went two or three at a time.

Question. Is this paper (Exhibit No. 3) the list of your club, or only those that voted there?—Answer. It is only the names of those that voted there.

Question. Did you take any steps to see whether these men had voted, more than to see that they went to the polls with the tickets in their hands?—Answer. We did not, more than to see that they went up the steps.

Question. Do you know of your own knowledge anything about any one meeting the colored people that day and telling them that there was no election?—Answer. I do not.

Cross-examined:

Cross-question. From where you stood could you see the tickets as they were handed to the managers at the box?—Answer. Generally I could not; but I could when I went to the foot of the steps.

Cross-question. Do you know, of your knowledge, that these people put the tickets in the boxes?—Answer. I do not, generally, but I do know that some of them did, because I could see them from the foot of the stairs.

Cross-question. State what you know concerning the tearing off of the name of Andrew Sloan from the rest of the ticket.—Answer. They tore them off at the polls, and sent word down stairs that they should be torn off. Old man Edmund Harper tore one off, but Isaac Boyd told them no, that they must not do it; that if they wanted it torn off let them do it themselves. That was the only one torn off by the colored people.

Cross-question. Do many of the colored people around where you live, in the sixty-eighth district, know how to read and write?—Answer. Very few indeed. Two or three men can write, and several can read. I can read and write myself.

J. A. CLARK.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

EDMUND HARPER sworn and examined:

Question. What is your name?—Answer. Edmund Harper.

Question. Where did you live last year?—Answer. I lived in the sixty-eighth district, Burke County.

Question. Did you vote for Congressman and presidential electors on November 5th of last year?—Answer. I did.

Question. For whom did you vote for Congress at that election?—Answer. For Andrew Sloan.

Question. Were you present at or near the polls on the day of election?—Answer. I was pretty close; about 25 or 30 feet from the door that went up the steps.

Question. What were you engaged in doing that day?—Answer. I

was seeing after men that were voting. I was vice-president of the Grant and Wilson Club, and was there looking after the voters.

Question. Have you any idea of the number of votes you saw taken and put into the box on that day?—Answer. I saw the rise of twenty-five put into the box, and then I stopped counting.

Question. Do you know what kind of tickets they were?—Answer. They were all republican tickets; but the name of Andrew Sloan was split off the other part and wrapped around it, or with it, and put into the box all together.

Question. Did you see other votes taken and deposited?—Answer. I went down stairs and saw the others get their tickets, and started them up, ten men at a time. I had two men up at the box to take the place I occupied, and see that they were put in.

Question. Have you any knowledge of the number of republican votes actually put in the box that day?—Answer. I saw and counted seventy-four that were given out to men who took them and went to the box to deposit them. That includes the twenty-five or over that I saw deposited in the box.

Question. Do you know anything of your own knowledge of any one being told on their way to the polls that there was no election on that day?—Answer. I do not know it of my own knowledge, but I heard of it.

(The hearsay part of this answer objected to by counsel for contestee.)

Question. Do you know whether the ballot-box was left by the managers in the hands of anybody else?—Answer. I do not. It was not while I was up there.

Cross-examination:

Cross-question. Can you read and write?—Answer. I cannot.

(Question and answer objected to by counsel for contestant on the ground of its immateriality, and not being in response to anything called out in the direct testimony.)

Cross-question. How do you know that the twenty-five or thirty tickets you saw put in were republican tickets?—Answer. Because they brought them up open, and they did not look like the democratic tickets; they were a heap larger. The republican tickets were about three times as large.

Cross-question. Who were the two men that were up at the top of the steps watching the box?—Answer. I had Hardy Griffin and Harry Smith up there, and part of the time Abram Mobley. Two of the three persons named were there all the time, where they could see the box during the time the election continued.

Redirect:

Question. Do you recognize this? (Handing witness Exhibit No. 2.)—Answer. Yes, it is one of the republican tickets.

Question. Is this the same ticket that was given out by your club, and the same that you saw twenty-five or more of put into the box?—Answer. Yes, it is just the same. I know it from the appearance of it.

Question. Is there anything peculiar in the color or tint of the paper?—Answer. Yes, sir; the democratic ticket was nothing like it. Here is the part they cut off. (Witness here pointed to black line over the name of Andrew Sloan.)

Question. Did you ever see any paper the exact shade or color of this?—Answer. I don't think I ever did.

his
EDMUND + HARPER.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

PATRICK HARPER, being sworn and examined, says:

Question. What is your name?—Answer. Patrick Harper.

Question. Did you vote at the presidential election last November; and if so, where?—Answer. I did, at Liberty Hill.

Question. For whom did you vote for Congress at that election?—Answer. For Andrew Sloan.

Cross-examination:

Cross-question. How do you know you voted for Andrew Sloan?—Answer. He was on the republican ticket, so the club said; they read it to me.

his
PATRICK + HARPER.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

PEREGIN REASON sworn and examined:

Question. What is your name?—Answer. Peregin Reason.

(Examination objected to by counsel for contestee, on the ground that his name is not on the list of witnesses furnished contestee.)

Question. Did you vote at the presidential election in November last; and if so, where?—Answer. I did, at Liberty Hill.

Question. For what did you vote for Congressman?—Answer. I voted for the republican ticket.

Question. Did you vote for Morgan Rawls or Andrew Sloan?—Answer. I could not tell you that; I voted the republican ticket entire.

Cross-examination:

Cross-question. How do you know you voted the republican ticket?—Answer. They gave me ticket and told me it was the republican ticket, and I went up and voted it.

Redirect:

Question. Did you belong to the Grant and Wilson club?—Answer. Yes.

Question. Was this ticket handed to you by those who were appointed by the club to give out tickets?—Answer. Yes, sir.

Cross-examination:

Cross-question. Who did the club appoint to give out the tickets?—Answer. I do not know who.

his
PEREGIN + REASON.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

HARDY GRIFFIN sworn and examined.

Question. What is your name?—Answer. Hardy Griffin.

Question. Where did you reside last year?—Answer. In the sixty-eighth district, Burke County.

(Examination of this witness objected to on the ground that his name is not on the list of witnesses furnished contestee.)

Question. Did you vote at the presidential election last fall?—Answer. Yes.

Question. Where, and for whom?—Answer. At Liberty Hill, for Andrew Sloan.

Question. Were you about the ballot-box at any time except the time you were voting yourself?—Answer. Yes.

Question. For what purpose were you there?—Answer. To see that all republican votes went into the ballot-box.

Question. Did you go of your own accord, or were you sent by the club?

Question. Did you count the tickets that were put in while you were there?—Answer. No, sir, I never counted them.

Question. Was Edmund Harper there at any time during the day, before you or after you?—Answer. He was there before me, and stood a little while with me.

Question. Did you see a great many republican votes put in the box while you were there?—Answer. Yes, sir.

Cross-examination:

Cross-question. How did you distinguish the republican votes?—Answer. I knew the tickets by some of the leading men of the club giving them to me and the other men, and I knew the form of the tickets.

Cross-question. Did you go down and see the tickets given to the men?—The ten men in my squad went and got their tickets, and before I went up another squad of ten came up and got theirs. I went up with my squad and voted. I then remained up there until the other squad of ten came up and voted their tickets.

Question. Did the men that went up with you carry the tickets open in their hands?—Answer. Not all of them. Some carried them in their hands, and some in their pockets.

Cross-question. Did the second squad of ten men come up the steps with their tickets open in their hands?—Answer. I could not tell about all of them. I saw one or two take their tickets out of their pockets, and I saw others with the tickets in their hands.

Cross-question. Did all the men you saw vote unfold their tickets and hand them to the managers?—Answer. No; not all of them, but I knew the tickets.

Cross-question. How did you know the tickets that were not unfolded?—Answer. Because the magistrate unfolded them to cut them, and I saw them then.

Cross-question. Did you see all the twenty votes opened before the magistrates put them in the box?—Answer. I did.

Cross-question. How long have you been living in the 68th district?—Answer. I was bred and born and raised there.

Cross-question. Did you ever know an election in the 68th district at which the democrats did not have a large majority?

(Objected to by counsel for contestant, on the ground that it has nothing to do with the issue, and that there is higher evidence of the fact.)

Answer. This was the first time that I ever voted at Liberty Hill.

his
HARDY + GRIFFIN.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

WILLIAM YOUNG sworn and examined:

Question. What is your name?—Answer. William Young.

Question. Where did you reside last year?—Answer. At Stony Bluff, in Burke County, in the 68th district.

Question. Did you vote at the election for presidential electors and congressmen in November last?—Answer. I did.

Question. Who did you vote for for Congress?—Answer. For Grant and Wilson, and Andrew Sloan.

Cross-examined:

Cross-question. How do you know you voted for Grant and Wilson and Andrew Sloan?—Answer. Because it was read to us. I would know the ticket, too; that is it now. (Witness pointed to Exhibit No. 2.)

his
WILLIAM + YOUNG.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

ALEXANDER LAWRENCE sworn and examined:

Question. What is your name?—Answer. Alexander Lawrence.

Question. Where did you reside last year?—Answer. At Stony Bluff, in Burke County.

Question. Did you vote at the presidential and congressional election last year, and if so, where?—Answer. I did; at Liberty Hill.

Question. Who did you vote for for Congress?—Answer. For Andrew Sloan.

Question. Would you know the ticket you voted if you saw it?—Answer. Yes. There it is. (Pointing to Exhibit No. 2.)

Cross-examined:

Cross-question. How do you know that Sloan's name is there?—Answer. I can spell it.

his
ALEXANDER + LAWRENCE.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

EDMUND MIMMS, sworn and examined:

(Objected to on the ground that the name is not on the list furnished.)

Question. What is your name?—Answer. Edmund Mimms.

Question. Where did you reside last year?—Answer. Liberty Hill, 68th district, Burke County, Georgia.

Question. Did you vote at the election held for presidential electors and congressmen in November last, and if so, where?—Answer. I did vote; at Liberty Hill.

Question. Who did you vote for for Congress?—Answer. For Mr. Sloan.

Question. Would you know the ticket that you voted if you should see it?—Answer. Yes; that is the same sort. (Exhibit No. 2.)

Cross-examined:

Cross-question. How long have you lived in the 68th district?—Answer. Going on eight years.

Cross-question. How old are you?—Answer. Thirty-three.

Cross-question. When did you find out that the name of Mr. Sloan was on the ticket?—Answer. The day of the election. I was told that Mr. Sloan's name was the bottom name.

Cross-question. When did they tell you who the two names at the top were?—Answer. Same day.

Cross-question. Who did they say they were?—Answer. President Grant and Wilson, I think. They said they were at the top, and Sloan's at the bottom. I did not hear who the names in the middle were.

his
EDMUND + MIMMS.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

JOHN ELLISON sworn and examined.

Question. What is your name?—Answer. John Ellison.

Question. Where did you live last year?—Answer. In Burke County sixty-eighth district.

Question. For whom did you vote at the election in November last?—Answer. For Grant and Wilson, and for Andrew Sloan for Congress.

Question. Where did you vote?—Answer. At Liberty Hill.

Cross-examined:

Question. Can you read and write?—Answer. No.

his
JOHN + ELLISON.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

WILLIAM VERDERY sworn and examined:

Question. What is your name?—Answer. William Verdery.

Question. Where did you reside last year?—Answer. At Liberty Hill, in Burke County.

Question. Where and for whom did you vote at the presidential and congressional election held on the 5th of last November, if you voted at all?—Answer. I voted at Liberty Hill, for Grant and Wilson, and for Andrew Sloan for Congress.

Cross-examined:

Question. How do you know you voted for Sloan for Congress?—Answer. They all said they were voting for them, and I voted that ticket too. I would know the ticket if I see it. That is it, (pointing to Exhibit No. 2.)

his
WILLIAM + VERDERY.
mark.

Sworn to and subscribed before me February 21, 1873.
ISAAC BECKETT,
Register in Bankruptcy.

ISAAC BOY sworn and examined:

Question. What is your name?—Answer. Isaac Boy.

Question. Where did you live last year?—Answer. In the sixty-eighth district, Burke County.

Question. If you voted for presidential electors and member of Congress last November, state where and for whom.—Answer. I voted at Liberty Hill, for Mr. Andrew Sloan for Congress, and for Grant and Wilson.

Question. Were you at the polls at any time during the day?—Answer. Yes; I went to vote, and I had business to attend to issuing out the tickets.

Question. Who assigned that duty to you?—Answer. The president of the Grant and Wilson club.

Question. Who worked with you at that business?—Answer. Asa Clark and Edmund Harper.

Question. Would you know the tickets that you issued if you were to see one of them?—Answer. Yes; (and pointing to Exhibit No. 2,) that is one of them.

Cross-examined:

Question. Do you know how to read and write?—Answer. No, sir; not much. I can't read the ticket.

his
ISAAC + BOY.
mark.

Sworn to and subscribed before me February 21, 1873.
ISAAC BECKETT,
Register in Bankruptcy.

WILLIAM SANDY sworn and examined:

Question. What is your name?—Answer. William Sandy.

(Objection to examination of this witness by contestee on the ground that his name is not on the list of witnesses.)

Question. Where did you live last year?—Answer. In the sixty-eighth district, Burke County.

Question. Where and for what candidates did you vote at the presidential and congressional election last November?—Answer. I voted for Grant and Wilson, and for Andrew Sloan for Congress. I voted at Liberty Hill.

Cross-examined:

Question. How do you know that you voted for Sloan?—Answer. I know because some one read the ticket to me.

Question. At what time of the day did you vote?—Answer. I don't know.

Question. Where were you when they read the ticket to you?—Answer. In front of the door, at Liberty Hill.

Question. Who read it to you?—Answer. Asa Clark.

Question. Were other colored people around there getting tickets at the same time that you got yours?—Answer. Yes, sir.

Question. Did you hear him read the ticket to them too?—Answer. Yes, sir; he read it to all of them. He read it out that it was Grant and Wilson's and Sloan's ticket.

Question. Was that day the first time you ever heard it read?—Answer. No, sir; I don't think so.

Question. When did you hear it before?—Answer. I cannot tell.

Question. Was it one day before?—Answer. I cannot tell.

Question. Was it fifty days before?—Answer. I don't know.

Question. Did you ever see that ticket before that day?—Answer. I don't think I ever saw that ticket before that day.

Question. Did you know before you came here to-day that Sloan was running for Congress on that ticket?—Answer. I did know it.

Question. Did not somebody tell you to-day that he was running?—Answer. No, sir.

his
WILLIAM + SANDY.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

WILLIS WILLIAMS sworn and examined:

Question. What is your name?—Answer. Willis Williams.

Question. Where did you live last year?—Answer. In the sixty-eighth district, Burke County.

Question. If you voted for anybody for Congress at the election last November, whom did you vote for?—Answer. I voted for Grant and Wilson.

Question. Did you not vote for somebody for Congress?—Answer. Not that I know of, sir.

Question. Look at that. (Exhibit No. 2 handed to witness.) Is that the ticket you voted?—Answer. I can't read, sir; but it did not look like this. It did not look white like this paper, (pointing to Exhibit No. 2.)

Question. Did you vote for either Andrew Sloan or Morgan Rawls at that election?—Answer. If I did, I did not understand it. I just voted the paper they gave me, and that was all.

Question. Who gave you the paper?—Answer. I got it from old man Isaac Boy, a colored man.

Question. Did he give anybody else tickets?—Answer. Yes, sir. He gave a great many tickets to the people all around.

Question. Did you belong to a Grant and Wilson club?—Answer. Yes, sir.

Question. Did he belong to the same club?—Answer. Yes. He was treasurer or something.

Question. Are you certain that you voted the ticket that he gave you?—Answer. Yes, sir; I am certain of that.

Question. Did he give you the same kind of a ticket that he gave the others?—Answer. Yes, sir; the same kind.

Question. Did you cut or tear your ticket in any way?—Answer. No, sir.

Question. Whom did you hand it to?—Answer. To one of the managers.

Cross-examination:

Cross-question. Are you positive that the ticket you got was exactly like those the others got?—Answer. I am positive of that.

Cross-question. How many people got tickets exactly like the one you got?—Answer. I saw over twenty-five with my own eyes get those tickets.

Redirect:

Question. You have stated that the ticket you voted was not white like this?—Answer. Yes, sir.

Question. Did you ever look at a ticket like that by candle-light as you are looking at it now?—Answer. No, sir. I always looked at it by day-light before.

his
WILLIS + WILLIAMS.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

CUYLER LAWRENCE, sworn and examined, says:

Question. What is your name?—Answer. Cuyler Lawrence.

(Examination objected to on the ground that the name is not on the list furnished to the contestee.)

Question. Where did you live last year?—Answer. In Burke County.

Question. Where, and for what candidates, did you vote at the November election of last year?—Answer. I voted for Sloan and for Grant and Wilson.

Cross-examined:

Cross-question. How do you know you voted for Sloan and Grant and Wilson?—Answer. I heard the paper read.

Cross-question. When you heard it read, what did they read? Who did they say was candidate for Congress?—Answer. I don't remember whether they said it was Grant, Wilson, or Sloan. I am certain that they called all three of these names?

Cross-question. When you got here to-day had you not forgotten those names?—Answer. No, sir.

Cross-question. What were the names you heard read?—Answer. Wilson, and Grant, and Sloan.

Redirect:

Question. Did you belong to any club?—Answer. Yes; I belonged to the republican club.

Question. Who was the president of it?—Answer. I do not know.

Question. Did you belong to the same club that Edmund Harper and Asa Clark belonged to?—Answer. I did.

Question. Whom did you get your ticket from?—Answer. From a colored man named Isaac Boy.

Question. Did he give tickets out to anybody else?—Answer. Yes, sir.

Question. Was yours exactly like the other tickets he gave out?—Answer. Yes, sir.

his
CUYLER + LAWRENCE.
mark.

Sworn to and subscribed before me February 21, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

Adjourned to February 22, at 8 o'clock a. m.

FEBRUARY 22, 1873.

Examination resumed, according to adjournment; present, Isaac Beckett, register, Andrew Sloan, contestant, and L. M. Berrien, attorney for contestee.

ALLEN RAYELS sworn and examined:

(Witness objected to on the ground that his name is not on the list of witnesses furnished the contestee, and that the notice of witnesses in the last clause is not sufficiently certain.

It is agreed between contestant and counsel for contestee that the same objection entered as to the examination, and Allan Rozals, the present witness, shall be considered as entered in the case of every other witness called at this place similarly situated, merely by reference to this paragaph.)

Question. Where did you reside on the 5th day of November last, and in what place did you vote for presidential electors and a member of the Forty-third Congress?—Answer. At Waynesborough.

(Witness withdrawn.)

SAMUEL LEWIS sworn and examined:

Question. Where did you reside on the 5th day of November last, and in what place did you vote for presidential electors and a member of the Forty-third Congress?—Answer. I resided in Burke County, and voted at Liberty Hill, in the sixty-eighth militia district.

Question. For whom did you vote for Congress on that day?—Answer. For Andrew Sloan.

Cross-examined:

Cross-question. Can you read and write?—Answer. No.

Cross-question. How do you know you voted for Sloan?—Answer. I I can spell a little myself, and my secretary read it out to me.

Cross-question. Look at this name on Exhibit No. 2; can you read this name?—Answer. No, I cannot.

Redirect:

Question. Who gave you the ticket to vote on that day?—Answer. Asa Clark, the secretary of the Grant and Wilson club.

Question. Look at Exhibit No. 2, and state whether that is like the ticket you voted on that day.—Answer. Yes, sir.

Cross-examined:

Cross-question. Look at this and say if it is the same ticket you voted on that day, (Exhibit No. 2.)—Answer. Yes, sir; it looks like the same ticket, but I am not certain of it. It looks like the same ticket for Grant and Wilson.

his
SAMUEL + LEWIS.
mark.

Sworn to and subscribed before me February 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

JEFFERSON AARON sworn and examined:

Question. Where did you reside on the 5th day of November last, and at what place did you vote for presidential electors, and a member of the Forty-third Congress?—Answer. At Liberty Hill, sixty-eighth district, Burke County, Georgia.

Question. For whom did you vote for Congress on that day?—Answer. For Mr. Sloan.

Question. Who gave you the ticket to vote?—Answer. Asa Clark.

Cross-examined:

Cross-question. Did Asa Clark tell you that day that it was Mr. Sloan you was voting for; did he call Mr. Sloan's name?—Answer. Yes, sir.

Cross-question, What did you vote for him for; what office was he running for?—Answer. I thought it was for Representative or something of that sort.

his
JEFFERSON + AARON.
mark.

Sworn to and subscribed before me February 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

CANNON HARRINGTON sworn and examined:

(Objection entered as in case of Allen Royals.)

Question. Where did you reside on the 5th day of November last, and at what place did you vote for presidential electors and a member of the Forty-third Congress?—Answer. I resided at Burke County and voted at Liberty Hill, in the sixty-eighth district.

Question. For whom did you vote for member of Congress?—Answer. I voted for Andrew Sloan, so they told me.

Question. Who gave you the ticket to vote?—Answer. I got it from Asa Clark, one of the head men.

his
CANNON + HARRINGTON.
mark.

Sworn to and subscribed before me February 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

JAMES ROUSE sworn and examined:

Question. Where did you reside on the 5th day of November last, and in what place did you vote for presidential electors and a member of the Forty-third Congress?—Answer. I resided in the sixty-eighth district, Burke County, and voted at Liberty Hill.

Question. For whom did you vote for Congress?—Answer. For Mr. Sloan.

Question. Who gave you the ticket you voted?—Answer. Asa Clark, and he read the ticket to me.

his
JAMES + ROUSE.
mark.

Sworn to and subscribed before me February 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

JOSEPH CLARK sworn and examined:

Question. Where did you reside on the 5th day of November last, and where did you vote for presidential electors and a member of the Forty-third Congress?—Answer. In Burke County, sixty-eighth district, at Liberty Hill.

Question. For whom did you vote for Congress?—Answer. For Sloan.

Question. Who gave you the ticket you voted?—Answer. Our president of the club, Asa Clark.

Question. Do you know that he is president, or that he holds some other office?—Answer. He is secretary of the club. I cannot read and write myself, but it was read to me by Mr. Clark.

his
JOSEPH + CLARK.
mark.

Sworn to and subscribed before me February 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

ZED. SAPP, sworn and examined, says:

Question. Where did you reside on the 5th day of November last, and where did you vote for presidential electors and a member of the Forty-third Congress?—Answer. I resided in the sixty-eighth district, Burke County, and voted at Liberty Hill, in same district.

Question. For whom did you vote for a member of Congress on that day?—Answer. I voted for Sloan and somebody else. I forget the names. I voted the republican ticket anyhow.

Question. Who gave you the ticket you voted on that day?—Asa Clark and old uncle Arthur Boy.

Question. Did either of them read the ticket to you?—Answer. Asa Clark did.

his
ZED. + SAPP.
mark.

Sworn and subscribed before me February 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

CANNON HARRINGTON sworn and examined:

(Same objection as in the case of Allen Royals.)

Question. Where did you reside on the 5th day of November last, and where did you vote for presidential electors and a member of the Forty-third Congress?—Answer. I resided in Burke County, and voted in sixty-eighth district, at Liberty Hill.

Question. For whom did you vote for Congress?—Answer. For Mr. Andrew Sloan.

Question. Who gave the ticket you voted?—Answer. Asa Clark gave it to me. I cannot read. He read the ticket to me.

his
CANNON + HARRINGTON.
mark.

Sworn to and subscribed before me February 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

ELBERT BATES, sworn and examined, says:

(Same objection as in case of Allen Royals.)

Question. Where did you reside on the 5th day of November last, and where did you vote for presidential electors and a member of the Forty-third Congress?—Answer. I resided in Burke County, and voted at Liberty Hill, in sixty-eighth district.

Question. For whom did you vote for Congress?—Answer. For Andrew Sloan.

Question. Who gave you the ticket you voted?—Answer. The secretary, Asa Clark; no, Mr. Boy was the man that delivered the ticket into my hand. I am satisfied of that. I cannot read. The secretary, Mr. Clark, read the names on the ticket to me.

Cross-examined:

Cross-question. When Mr. Boy gave you the ticket did you go right up and vote?—Answer. No, I kept it ten or fifteen minutes. The first chance I had I went right up and voted.

Cross-question. Did you go up in one of the squads?—Answer. Yes, I voted in a squad of ten.

Cross-question. When you got the ticket did you walk around or stay

in the squad?—Answer. I did not quit the squad. I kept with them until we went up towards the stairs.

Cross-question. Do you remember who was in the squad with you?—Answer. No, I cannot say who was in it. I know there was ten.

Cross-question. Was Asa Clark in that squad?—Answer. No, he was there taking down the list of men.

Cross-question. Did Asa Clark say anything to you?—Answer. I don't suppose he did to my recollection.

Cross-question. You did not hear him say anything then that you remember?—Answer. I don't know as he did.

Cross-question. What squad did you vote in?—Answer. I voted in the first squad of ten.

Cross-question. Do you know whether or not Asa Clark saw your ticket?—Answer. I am satisfied, because he and Mr. Boy stood side by side.

Cross-question. Do you remember anything that Asa Clark said to anybody else?—Answer. I do not.

Cross-question. Did you not say that he read the ticket to you?—Answer. I did. When I received the ticket he stated what it was and what it should be. He told me the ticket was all right.

his
ELBERT + BATES.
mark.

Sworn to and subscribed before me February 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

ARTY ROYALS sworn and examined:

Question. Where did you reside on the 5th day of last November, and where did you vote for presidential electors and a member of the Forty-third Congress?—Answer. I lived in the sixty-eighth district, Burke County, and voted at Liberty Hill.

Question. For whom did you vote for Congress?—Answer. For Andrew Sloan.

Question. Who gave you the ticket you voted?—Answer. Isaac Boy. I cannot read. Asa Clark read the ticket to me.

Cross-examined:

Cross-question. Did you know that Andrew Sloan was a candidate for Congress on the day of election?—Answer. Yes, sir.

Cross-question. Did you ever hear his name before that day?—Answer. Yes, I have.

his
ARTY + ROYALS.
mark.

Sworn to and subscribed before me February 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

JEFFREY HILTON, sworn and examined, says:

Question. Where did you reside on the 5th day of November last, and where did you vote for presidential electors and a member of the

Forty-third Congress?—Answer. In Burke County, sixty-eighth district; I voted at Liberty Hill.

Question. For whom did you vote for Congress?—Answer. I voted for Andrew Sloan.

Question. Who gave you the ticket you voted?—Answer. I got my ticket from Isaac Boy. I cannot read and write. No one read the ticket to me. I inquired for a republican ticket.

Question. Did you intend to vote the republican or democratic ticket?—Answer. I intended to vote the republican ticket.

Question. Look at Exhibit No. 2, and state whether or not it is the same ticket you voted that day.—Answer. It looks like the same ticket, but I cannot read and write.

Cross-examined:

Cross-question. Did you say that nobody read the ticket?—Answer. Yes, sir.

Cross question. How do you know you voted for Andrew Sloan?—Answer. Because I asked for the republican ticket, and I had heard that Andrew Sloan was a republican man, but I cannot read and write.

Cross-question. Did you hear that any other republican men were running for anything that day?—Answer. I heard that Sloan was a republican man, and that Grant was a republican man, and that Morgan Rawls, I think, was a republican man.

Cross-question. Did you hear before that Morgan Rawls was a republican man?—Answer. I heard, I think, that three men were republican men; that these three were. I am not certain, but I think I heard several say it. I asked for a Grant ticket, and old man Isaac gave me this ticket. I voted the ticket they gave me; I am certain I voted for Grant, Sloan, and Rawls, if the ticket was right.

Cross question. Suppose I could prove to you that Mr. Rawls was a democrat, wouldn't you think that somebody fooled you?—Answer. Yes, sir; I suppose so. If you were to tell me, I suppose it would be what is right.

Cross-question. You went there to vote for Rawls and you voted for him?—Answer. I went there to vote for Grant and Colfax, and for Sloan and Rawls, and voted for them.

Cross-question. Do you think you could tell the ticket if you saw it?—Answer. I don't think I could, individually.

Redirect:

Question. When you speak of old man Isaac who do you mean?—Answer. I mean Isaac Boy.

Question. Did you vote the ticket he gave you without making any changes?—Answer. Yes, sir; I made no change at all.

his
JEFFREY + HILTON.
mark.

Sworn to and subscribed before me February 2, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

ALECK DICKSON, being sworn and examined, says:

Question. Where did you reside on the 5th day of last November, and where did you vote for presidential electors and a member of the Forty-

third Congress?—Answer. At Liberty Hill, in Burke County. I voted at Liberty Hill.

Question. For whom did you vote for Congress?—Answer. For Grant and Wilson and Sloan.

Question. Who gave you the ticket you voted?—Answer. Asa Clark gave it to me. I cannot read and write. Clark read the ticket to me.

Question. Did you vote the ticket he gave you without making any alterations?—Answer. Yes, sir.

his
ALECK + DICKSON.
mark.

Sworn to and subscribed before me February 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

JAMES DIXON sworn and examined:

Question. Where did you reside on the 5th day of November last, and where did you vote for presidential electors and a member of the Forty-third Congress?—Answer. In Burke County, and I voted at Liberty Hill.

Question. For whom did you vote for Congress?—Answer. For Mr. Sloan.

Question. Can you read and write?—Answer. No.

Question. Who gave you the ticket you voted?—Answer. Uncle Isaac Boyd. The ticket was not read to me.

Question. Did you vote the ticket given you by Boyd without any alteration?—Answer. I voted the ticket he gave me, without any change.

Cross-examined:

Cross-question. How do you know you voted for Sloan?—Answer. They handed it over to me and told me it was for Sloan, and I voted for Sloan and nobody else.

Cross-question. Did you hear of Mr. Sloan before you got there?—Answer. Yes; our secretary told me of it before that time.

Cross-question. Did he tell you that any other republican, for any office, was running that day?—Answer. No, sir, he did not.

Cross-question. You never heard any other person mentioned as being a republican candidate for office that day?—Answer. No, sir.

Cross-question. Did you ever hear anybody speak of it since?—Answer. No, sir.

Cross-question. Would you know the ticket you voted if you was to see it?—Answer. I think I would know it.

Cross-question. Was it like this? (Exhibit No. 2.)—Answer. Ye, sir; I think it was like this. It was the same kind of paper. I don't know whether it had a woman or a man on. I don't know whether it had writing on or not. It had writing on it—writing and printing both.

Cross-question. Do you know writing from printing when you see it?—Answer. Yes, sir.

Cross-question. Is this writing or printing? (Exhibited printing).—Answer. That is printing.

Cross-question. Is this writing or printing? (Exhibited writing.)—Answer. That is writing.

Redirect:

Question. Are you positive that the ticket you voted on that day had writing on it like the writing on Exhibit No. 2?—Answer. Yes, sir. I don't know what it was, but it had writing on it.

Question. Are you not mistaken, and was not the ticket you voted like this now presented, without any writing whatever on it?

(Question objected to on the ground that contestant has no right to impeach the testimony of his own witness.)

Answer. The ticket was like these. I don't know whether I may be mistaken or no. I may be mistaken and I may not.

(Ticket presented attached hereto, and marked Exhibit No. 4.)

Question. Did you intend to vote the republican, or democratic ticket that day?—Answer. The republican ticket.

Cross-examined:

Cross-question. Are you certain that Asa Clark told you that Sloan was the candidate for Congress?—Answer. I am.

Cross-question. Are you certain that in the conversation alluded to Clark did not tell you of any other republican candidate running for any other office?—Answer. Yes, sir.

Cross-question. Are you certain that, to the best of your knowledge and belief, you voted for Sloan and nobody else for any office?—Answer. Yes, sir.

Cross-question. If you did vote for anybody else, for any office on that day, you were fooled were you?—Answer. I voted the paper they gave me. It there was any more on it I voted the ticket. I had no pulling and hauling about, but voted it just as they gave it to me. I voted for Mr. Sloan; yes, I must have been fooled.

his
JAMES + DIXON.
mark.

Sworn to and subscribed before me February 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

NED TAYLOR, being sworn and examined, says:

Question. Where did you live on the 5th day of last November, and where did you vote on that day for presidential electors and a member of the Forty-third Congress?—Answer. In Burke County. I voted at Liberty Hill in sixty-eighth district.

Question. For whom did you vote for Congress?—Answer. For Andrew Sloan.

Question. Can you read and write?—Answer. No, sir.

Question. Who gave you the ticket that you voted?—Answer. The secretary of the club, Asa Clark.

Question. Did you vote it just as he gave it to you?—Answer. Yes, sir.

Cross-examined:

Cross-question. How do you know you voted for Sloan?—Answer. Because the secretary read it to me.

Cross-question. When he read it what names did he read as running for office?—Answer. Sloan, Wilson and Grant.

his
NED + TAYLOR.
mark.

Sworn to and subscribed before me February 22, 1873.

ISAAC BECKETT.
Register in Bankruptcy.

HENRY CHANDLER, being sworn and examined, says:

Question. Where did you reside on the 5th day of November last, and where did you vote on that day for presidential electors and a member of the Forty-third Congress?—Answer. I resided in the sixty-eighth district, Burke County. I voted at Liberty Hill.

Question. For whom did you vote for Congress?—Answer. For Mr. Snone.

Question. Who gave you the ticket you voted?—Answer. Our secretary, Asa Clark. I cannot read and write. I voted the ticket he gave me without any change.

Question. Did you intend to vote a republican ticket?—Answer. Yes, sir.

Cross-examination:

Cross-question. How do you know you voted for Mr. Sloan?—Answer. The secretary read it to me.

Cross-question. What other names did he read to you?—Answer. Mr. Grant and—I don't remember the other name. Wilson, that's the man.

Cross-question. Had you not forgotten the names before you came over here?—Answer. No, sir. I thought of them all the time.

Cross-question. Have you heard their names mentioned since you have been here?—Answer. Yes, sir.

Cross-question. Did somebody mention it to you, or did somebody else mention it to you?—Answer. I mentioned it to somebody else, and somebody else mentioned it to me.

Cross-question. What office was Mr. Sloan running for?—Answer. I don't know what office he was running for.

Cross-question. Was he running for president, legislature or constable?—Answer. He was running at President's election, that's for President.

Cross question. Did Asa Clark tell you he was running for President?—Answer. He did not say what he was running for; he just read the names, Grant, Wilson and Sloan, but did not say what either of them was running for.

Cross-question. How do you know that you voted for Mr. Sloan for Congress, if he did not tell you so—if Asa Clark did not tell you so?—Answer. I heard others talking.

Cross question. Will you swear that you voted for Andrew Sloan for President?—Answer. I will swear that I voted for him.

Cross question. You are just as certain of that as you are that you voted the ticket that Asa Clark gave you?—Answer. I am.

Redirect:

Question. Do you mean that you voted for Sloan for President, or that you voted for him at the presidential election?—Answer. I voted for him at the presidential election.

Question. Did you intend to vote a full republican ticket on that day?—Answer. Yes, sir.

his
HENRY + CHANDLER.
mark.

Sworn and subscribed before me February 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

ASA CLARK, re-called:

Question. Look at the paper now presented you, and state what it is, and who made the same?—Answer. These are the names of the men that voted that day, redrawn from the list of men that voted that day, on Exhibit No. 3. I made this copy the night of the election day.

Question. Have you compared this copy with the original, and is it a true copy thereof, with the exception of the transposition of names?—Answer. It is.

(Contestant tenders in evidence the paper referred to, hereunto attached, and marked Exhibit No. 5.

Counsel for contestee enters the same objection, as he did to the introduction of Exhibit No. 3, and upon the further ground that if Exhibit No. 3, from its character, was liable to uncertainty, this Exhibit, No. 5, should have been subscribed to before a notary public, or some judicial officer.)

J. A. CLARK.

Sworn to and subscribed before me February 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

MOSES OLIVER, being sworn and examined, deposes and says:

Question. Where did you reside, and where did you vote for presidential electors and a member of the Forty-third Congress, on the 5th day of November last?—Answer. In the sixty-eighth district, Burke County, I voted at Liberty Hill.

Question. For whom did you vote for member of Congress?—Answer. For Mr. Sloan.

Question. Can you read?—Answer. I can't read.

Question. Do you know the letters?—Answer. Sometimes I do.

Question. Who gave you the ticket you voted?—Answer. Isaac Boy.

Question. Look at Exhibit No. 2, and state whether the ticket you voted that day is similar to it.—Answer. I voted a ticket just like it.

Question. Did you vote the ticket given you by Boy?—Answer. I did.

Cross-examined:

Cross-question. Look at this, (Exhibit No. 4.) Was it like this?—Answer. They are both alike.

his
MOSES + OLIVER.
mark.

Sworn to and subscribed before me Feb. 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

BENJAMIN OLIVER sworn and examined:

Question. Where did you reside, and for whom did you vote for presidential electors and a member of the Forty-third Congress, on the 5th day of last November?—Answer. In the sixty-eighth district of Burke County. I voted at Liberty Hill in that district.

Question. For whom did you vote for Congress?—Answer. For Mr. Sloan.

Question. Who gave you the ticket you voted?—Answer. The president of our club, Asa.

Question. Did you intend the republican ticket or the democratic ticket?—Answer. The republican ticket I went to vote. I voted the ticket given me by the president. I cannot read and write.

Cross-examined:

Cross question. How do you know you voted for Mr. Sloan?—Answer. I went by the order of the president of our club.

his
BENJAMIN + OLIVER.
mark.

Sworn to and subscribed before me February 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

HARDY ROYALS sworn and examined:

Question. Where did you reside, and where did you vote for presidential electors and a member of the Forty-third Congress of the United States, on the 5th day of November last?—Answer. In the sixty-eighth district. I voted at Liberty Hill.

Question. For whom did you vote for a member of Congress on that day?—Answer. For Mr. Sloan—Andrew Sloan.

Question. Who gave you the ticket you voted on that day, and did you vote the ticket given you?—Answer. Mr. Boy gave me the ticket, and I voted it.

Cross-examined:

Cross-question. Who told you that you voted for Mr. Sloan, and when did he tell you?—Answer. Asa Cluck told me, the same day that he gave me the ticket.

Cross-question. Who else did he tell you that you voted for?—Answer. He did not tell me that I voted for anybody else, for any office at all.

Cross-question. How did he come to tell you that?—Answer. He took the ticket and read out Mr. Sloan's name, and nobody elses.

Cross-question. You don't think you voted for Mr. Grant?—Answer. They are all the same company of men; he did not tell me that, but they are all the same company of men.

Cross-question. Did you vote for anybody else besides Mr. Grant and Mr. Sloan?—Answer. And Mr. Wilson?

Cross-question. Wasn't there another man named Greely on the ticket?—Answer. No, sir.

Cross-question. You remembered Mr. Sloan's name from the election till now without talking to anybody about it; nobody had to tell you about it when you came here?—Answer. Yes, I remembered it; nobody had to tell me about it.

Cross-question. Did you ever hear it before that day?—Answer. Yes, sir.

Cross-question. When, how long before the election?—Answer. A week or two before the election.

Question. Did you ever see a ticket like that before? (Shows witness Exhibit No. 4.) Answer. Yes, sir.

Cross-question. When?—Answer. I voted a ticket like that.

Cross-question. Was that the first election you ever voted at?—Answer. Yes, sir.

Cross-question. Did you ever see a ticket like that before the election?—Answer. No, sir. I have seen them since, but not before the election.

Cross-question. Is that like the ticket you voted? (shows witness Exhibit 2.)—Answer. Yes, sir.

his
HARDY + ROYALS.
mark.

Sworn to and subscribed before me Feb. 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

RICHARD KELLY, sworn and examined, says:

Question. Where did you reside, and where did you vote for presidential electors and a member of the forty-third Congress, on the 5th day of last November?—Answer. I resided in Burke County, in the sixty-eighth district; I voted at Liberty Hill.

Question. For whom did you vote for Congress?—Answer. For Mr. Sloan, and Morgan Rawls, and Mr. Grant. Mr. Sloan was for Congress.

Question. Who gave you the ticket you voted?—Answer. Old man, Isaac Boy. I voted the ticket he gave me without making any changes in it.

Question. Can you read and write?—Answer. No, sir.

Question. Did you intend to vote the Republican or the Democratic ticket?—Answer. I intended to vote the Republican ticket.

Cross-examined:

Cross-question. How do you know you voted for Sloan and Morgan Rawls, and Grant for Congress?—Answer. Asa Clark read out these men's names.

Cross-question. Did you hear to-day that these men's names were running for Congress?—Answer. No, sir; I did not hear it to-day.

Cross-question. You heard then that they were running?—Answer. Yes, sir.

Cross-question. Did you intend to vote for Morgan Rawls, or the conservative ticket for Congress?—Answer. No, sir, the republican ticket.

Cross-question. Is all that you know about the election what you heard Asa Clark say that day?—Answer. Yes, sir.

his
RICHARD + KELLY.
mark.

Sworn to and subscribed before me this 22d February, 1873.

ISAAC BECKETT,
Register, &c.

At this point in the examination the following agreement was entered into, and forms a part of this record of the testimony in this case.

In order to save time, it is agreed and stipulated by and between Thomas M. Berrien, esq., attorney for Morgan Rawls, contestee, and Andrew Sloan, contestant, that the following named witnesses are here present and ready to testify in behalf of Andrew Sloan, contestant, viz: 1. George Jones; 2. William Dickson; 3. Elias Ellison; 4. Allen Burke; 5. William Verdery; 6. Robert Morris; 7. March Lovett; 8. Isaac Griffin; 9. Isaiah Clark; 10. Johnson Waters; 11. Edward Clarke; 12. Cyrus Prescott; 13. Cæser Wayne; 14. Price Ellison; 15. Jim Anderson; 16. George Nesmith; 17. David Griffin. And that each of these electors except Isaac Griffin, received their tickets on the 5th day of November, 1872, from Isaac Boy, and that Isaac Griffin received his ticket from Asa Clark, and also that each of these electors resided in Burke County, Georgia, on the 5th day of last November, and voted for presidential electors and a member of the Forty-third Congress, at Liberty Hill, in the sixty eighth militia district in Burke County; that they were members of the republican party and voted on said 5th day of November, 1872, the tickets given them by said Boy and Clark, and cast their ballots at said Liberty Hill, and that the following affidavit sworn to by each of said electors may be taken and considered as embracing substantially their testimony in this case, and that these electors are considered, on an average, as reliable as those heretofore examined at this place, and that they and the electors examined at this place on yesterday, the 21st instant, are all colored men, and that the men included in the succeeding affidavit cannot read and write.

Agreed to in the presence of Isaac Beckett, register in bankruptcy, this 22d day of February, A. D. 1873.

THO'S M. BERRIEN,
Attorney for Contestee.
ANDREW SLOAN,
Contestant.

In the presence of
ISAAC BECKETT,
Register in Bankruptcy.

UNITED STATES OF AMERICA,
Southern District of Georgia, County of Burke, ss:

We, the undersigned, each for himself, swears that on the 5th day of November last he resided in the county of Burke, in the sixty-eighth militia district, and voted at Liberty Hill, in the sixty-eighth militia district, for presidential electors and a member of the Forty-third Congress, and that we each received our tickets at the hands of Isaac Boy, the vice-president of the Grant and Wilson club of the said sixty-eighth district, except Isaac Griffin, who received his ticket on that day at the hands of Asa Clark, the secretary of said Grant and Wilson club, and that we each for ourselves voted the ticket thus given us on the 5th day of November last, by the said Boy and Clark, by depositing the same in the ballot-box at said Liberty Hill, over which Washington Moffley and two other election managers presided; that we belong to the republican party, and did on that day, November 5; that we intended to vote the republican ticket, and for Andrew Sloan for member of the Forty-third Congress from the first congressional district of Georgia.

his
1. GEORGE + JONES.
mark.
his
2. WILLIAM + DICKSON.
mark.
his
3. ELIAS + ELLISON.
mark.
his
4. ALLEN + BURKE.
mark.
his
5. WILLIAM + VERDERY.
mark.
his
6. ROBERT + MORRIS.
mark.
his
7. MARCH + LOVETT.
mark.
his
8. ISAAC + GRIFFEN.
mark.
his
9. ISAIH + CLARKE.
mark.
his
10. JOHNSON + WATERS.
mark.
his
11. EDWARD + CLARKE.
mark.
his
12. CYRUS + PRESCOTT.
mark.
his
13. CÆSAR + WAYNE.
mark.
his
14. PRICE + ELLISON.
mark.
his
15. JIM + ANDERSON.
mark.
his
16. GEORGE + NESMITH.
mark.
his
17. DAVID + GRIFFIN.
mark.

The foregoing affidavit subscribed and sworn to before me this 22d day of February, A. D. 1873.

ISAAC BECKETT,
Register in Bankruptcy First Congressional District of Georgia.

Counsel for contestee objects to the admission of the evidence of Robert Morris, Johnson Waters, Cyrus Prescott, Cæsar Wayne, and Jim Anderson, for the same reason given in the case of Allen Royal, and to William Verdery, though name found upon the list furnished contestee, but had examined witness of the same name previously.

ASA CLARK recalled by contestant:

Question. Look at the paper now presented you and marked Exhibit 2, and state what it is.—Answer. It is the republican ticket.

Question. Were you at the voting place at Liberty Hill, in the sixty-eighth militia district of this county, on the 5th day of November last? How much of the time were you there while balloting was going on?—Answer. I was there all day, from the time it commenced until the end.

Question. Did you and Isaac Boy on that day distribute tickets to the colored voters at that place; if so, what kind of tickets did you distribute; what kind did Boy distribute, and how do you know the kind he distributed?—Answer. Me and him were together all the time. We distributed republican tickets. I was with Boy, and saw the tickets as he distributed them.

Question. Did either you or Boy on that day distribute any democratic tickets to the colored voters, and how do you know Boy's action in that respect?—Answer. Neither of us distributed democratic tickets

on that day. I know that Boy did not, as I was right with him. Boy issued the tickets out in my presence.

Question. Whose name was on the tickets for Congress that were distributed by you and Boy?—Answer. Andrew Sloan's.

Cross-examined:

Cross-question. Do you know that Boy had no democratic tickets that day?—Answer. Yes, sir, I do.

Cross-question. How do you know it?—Answer. Because I saw all that he did have. I took them and looked at them, one at a time, every one of them.

Cross-question. When was it that you looked at them?—Answer. Before the election commenced.

Cross-question. Is it not possible that he had some tickets that you could not see?—Answer. Yes, it is possible, but not possible for him to have had them in the sack; I knew what was in the sack.

Cross-question. Whenever you or Boy, on that day, handed a ticket to a voter, did you or either of you tell them what it was?—Answer. When I gave out a ticket I told them, and when Boy gave one he told.

Cross-question. It was your invariable rule, then, to say, when you gave out a ticket, this is a Grant and Wilson and Sloan ticket; and when Boy gave one out he said so?—Answer. I and Boy were in the preference of each other; when I gave one out I told it, and when he gave one he told it.

Cross-question. Did you give any tickets to any white people that day?—Answer. Only one.

Cross-question. How many did you give out to colored people?—Answer. I gave out sixty-five, as well as I can recollect. I am positive we gave out sixty-five besides the ticket to the white man.

Cross-question. Did any one else have any tickets of that kind on the ground that day, except those you had in that bag?—Answer. If they did, I did not know it.

Cross-question. Are you positive that you and Boy gave out no tickets to any person except to those whose names are on Exhibits Nos. 3 and 5, and the white man?—Answer. I am.

Cross-question. Was it possible for Boy to have distributed any tickets out of that bag without your knowledge?—Answer. It was not, while I was with him. If he did it was after the election was over.

Cross-question. Did you ever tell anybody, before the day of election, who the candidate for Congress was?—Answer. No, sir; not until I saw the tickets. I did not know myself until I saw the tickets.

Cross-question. Since your arrival at this place, from conversation with the colored witnesses here from the sixty-eighth district, do you not know that not exceeding half a dozen knew that Sloan was a candidate for Congress on the 5th of November?

(Question objected to by contestant as illegal, and not a cross-examination of anything brought out upon the direct-examination. Question withdrawn.)

J. A. CLARK.

Sworn and subscribed before me February 22, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

Dr. STANLEY YOUNG, being duly sworn and examined, says:

(Counsel for contestee objects to the examination of this witness, on the ground that notice was given that he would be examined in Waynesborough to-day, and that having been informed that the other witnesses to testify about the Lawtonville precinct were subpœnaed to appear in Waynesborough, he inferred from that fact that all the witnesses to be examined in regard to that fact were to be examined at Waynesborough.)

Question. Where were you residing on the 5th day of last November, and did you hold any official position in reference to the election for presidential electors and a member of Congress from the first congressional district of Georgia on that day?

Answer. I was residing at No. 1, Augusta and Savannah Railroad, Burke County, Georgia, in the sixty-first district, known as Lester's district. I was supervisor of elections, appointed by the United States court, for Lester's district.

Question. Who was your fellow-supervisor, if any?—Answer. J. W. Carswell.

Question. Did you both act in that capacity?—Answer. We did.

Question. Who were the managers of that election?—Answer. J. H. Perkins, William Warnock, and Herschel Perkins.

(Question objected to, on the ground that higher evidence is attainable.)

Question. State the result of that election so far as the candidates for Congress are concerned; how the same was managed and conducted; explain the matter fully.

(Counsel for contestee objects to the part that refers to the result of that election, as better evidence is attainable.)

Answer. There was one hundred and eighty-nine votes cast for Andrew Sloan, and one hundred and thirteen for Morgan Rawls. There was three hundred and eleven votes cast, two of which number were thrown out, leaving three hundred and nine. The tickets showed there was seven votes short of the poll-list. During the voting, the election was conducted honorable and fair. When the polls closed, they commenced to count out. William Warnock, one of the managers, called the tickets over very hurriedly, and instead of calling over the names of the electors and member of Congress, he called out, Wheeler and Wilson, or Grover and Baker ticket. He called them out in such a manner that it was impossible for any one to keep tally of the votes. After we had tallied out one hundred and six for Sloan, and sixty-five for Rawls, he left and was gone some time, and the other managers sent for him, but they could not get him to come back. After I saw there was no chance to continue the counting of the votes, I proposed that the ballots, as there was no splitting of tickets, should be counted and the tally-sheet made out accordingly. Perkins, one of the managers, consented. He and George Warnock, who was acting as clerk, counted out the remaining tickets. The result was eighty-three for Sloan, and forty-eight for Rawls. They undertook to straighten up the tally-sheets accordingly. The total vote thus made one hundred and eighty-nine for Andrew Sloan and one hundred and thirteen for Morgan Rawls. After Warnock left we looked over the three tally-sheets and found that they did not correspond. Finding the one kept by Perkins was correct, we undertook to straighten the others and make them correspond with his. We did make them correspond.

Question. What became of the ballots of that precinct, and the returns, if any were made?—Answer. When I left the room they were in

the possession of Perkins; all the other managers and clerks had left. I do not know what became of the returns; I never saw anything of them after I left the room, either the ballots or the papers.

Question. Was the election at that precinct fairly and legally conducted up to the beginning of the count, and was it held at the proper time and place by persons duly and legally qualified to hold the same? —Answer. I thought it was fairly and legally conducted up to the beginning of the count, and that it was held in the proper time and place, by persons duly qualified to hold it.

Question. Do you of your own knowledge know the result of the election at that precinct as to Congressman, by having been present at the count of the votes, supervising the same in your capacity as supervisor of elections for that precinct?—Answer. I do so know it.

Question. Did you as the republican supervisor, and J. W. Carswell as democratic supervisor, for that precinct, make a report of the same to the chief supervisor of elections for the southern district of Georgia? If so, did you make it jointly, and was that report a correct and true one? —Answer. We did so make a report, we made it jointly, and the report was a correct and true one.

Question. Is not Lawtonville in the sixty-first district Georgia militia, and is not that district sometimes called Lawtonville district, sometimes Lester's district, and sometimes sixty-first district?—Answer. It is called sixty-first and Lester's; I never heard it called Lawtonville district; Lawtonville is in the district, and is the voting precinct of that district.

Question. Did not the managers of election at that precinct refuse, fail, and neglect to make out returns of the votes at that precinct and send them forward, in accordance with law, to the clerk of the superior court?—Answer. They did.

Question. Were the managers of election there members of the republican or of the democratic party?—Answer. They were all members of the democratic party.

Question. Did you, at the time of the count of the votes, have any conversation with John H. Perkins, one of the managers, or any of the other managers, as to the result of the election at that precinct, and did he or they state the vote cast for Congressman, or did they admit that the count you have testified to was a true count of the votes cast at that place?—Answer. I did; with John H. Perkins. He and one of the clerks, George Warnock, counted the votes out and stated the result that I gave as the true count of the votes polled there that day.

Question. Do you know anything of John H. Perkins, one of the managers, making a certificate after the election as to the vote of that precinct? If so, how do you know it, and what became of it?—Answer. Yes; he made a certificate after the election as to the vote of the precinct. He made it out and sent it to me. I sent it to the secretary of state at Atlanta.

Cross-examination:

Cross-question. Did you yourself have anything to do with the counting of the votes? Did you put your hand upon them or touch them in the absence of the managers?—Answer. Perkins counted over the republican tickets. I counted over with him. I did not put my hand upon or touch them in the absence of the managers.

Cross-question. What manager or managers were in the room when the tickets were counted?—Answer. John H. Perkins.

Cross-question. How long were the other two managers absent from

the room?—Answer. They were absent in the neighborhoood of a half hour.

Cross question. Was this immediately after the closing of the polls? —Answer. We had counted out a portion of the votes before they left.

Cross-question. Did you know where they were going?—Answer. I did not.

Cross-question. Had you adjourned for dinner during the time the polls were open?—Answer. We stopped a few moments and had a lunch in the room where the managers were.

Cross-question. Did either of the managers who left the room say that they would return?—Answer. There was a remark of this kind made, that they were tired and going home—that they did not feel like counting out republican votes.

Cross-question. Did one or both make that remark?—Answer. Warnock did, and I think that Herschel Perkins did.

Cross-question. Were the managers out of the room exceeding a half hour?—Answer. I don't think they were.

Cross-question. Did the managers state any ground for their refusal to make return of the votes cast there that day? If so, what?—Answer. I did not hear of any making any remark except Warnock. He said that he could not sign anything of the kind, or something to that effect.

Cross-question. Upon Warnock's refusal did either of the others signify a willingness to sign?—Answer. J. H. Perkins seemed to be very anxious that the report should be made out.

Cross-question. How did he exhibit that anxiety?—Answer. He told them that he and George Warnock had counted out the votes; that there was no splitting of tickets, and that the count was correct. He said that they ought to make it out.

Cross-question. Are you satisfied that the other managers heard the remarks addressed to them by Perkins?—Answer. I am satisfied that they did.

Cross-question. Do you know whether or not any inducements were made to John H. Perkins, calculated to cause him to furnish the certificate that you sent to the secretary of State.

(Question objected to as illegal.)

Answer. I do not.

Cross-question. Did you ever intimate to him that if he gave the certificate nothing would be done with him, and if he did not something might be done?

(Objected to as illegal.)

Answer. I did not.

Re-direct:

Question. Can you state the approximate voting population of the colored people in this county, and the approximate voting population of the white people in this county?—Answer. My understanding is that there is between twenty-one and twenty-two hundred colored, and about eight hundred white voters.

Question. What proportion of the colored votes ordinarily vote the democratic ticket?—Answer. Very few. I don't know the proportion.

S. YOUNG.

Sworn and subscribed before me this 22d February, 1873.

ISAAC BECKETT,
Register in Bankruptcy.

Contestant offers in evidence a certified copy of the report of J. W. Carswell, and S. Young, supervisors of election, certified from the office of the secretary of State of Georgia, marked Exhibit No. 6.

(Objected to by counsel for contestee, on the ground that he had no notice of its production.)

EXHIBIT No. 1.—ISAAC BECKETT, *register in bankruptcy.*

ANDREW SLOAN *vs.* MORGAN RAWLS. } Contested congressional election for the first district of Georgia.

SAVANNAH, GA., *February* 13, 1873.

Messrs. SMITH & BEEKS,
Attorneys for Morgan Rawls:

In my notice served on you on the 10th instant, after the taking testimony, at Lawtonville, Burke County, Georgia, the same being No 1, Augusta and Savannah Railroad. I have the honor to inform you that Lawtonville and No. 1, Augusta and Savannah Railroad, are not the same place, and that it is at station No. 1, on said railroad, I intend taking the testimony. You will please take notice accordingly. I do not propose to examine witnesses at Lawtonville at all.

Yours, respectfully,

ANDREW SLOAN,
Contestant.

Due and legal service of the within notice acknowledged, copy thereof received and all further service waived.

February the 13th, 1873.

SMITH & BEEKS,
Attorneys for Contestee.

EXHIBIT No 1.—ISAAC BECKETT, *register in bankruptcy.*

Notice to take depositions.

In the matter of the contested election for a member of Congress from the first congressional district of Georgia in the House of Representatives of the Congress of the United States for the Forty-third Congress.

SAVANNAH, GA., *February* 10, 1873.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe the mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1857, and the several supplements thereto, and latter's laws of Congress in reference thereto, it is my intention to examine witnesses before Isaac Beckett, esq., a register in bankruptcy in and for the southern district of Georgia, the said Isaac Beckett residing within the said first congressional district of Georgia, and being duly authorized by said acts to examine such witnesses, or before some other person or persons duly qualified, &c., at Lawtonville, the same being Station No. 1, on the Augusta and Savannah Railroad, in the county of Burke, in the State of Georgia,

in the above matter on Friday, the 21st day of February, and on the 22d, 23d, 24th, 25th, 26th, and 27th days of February, A. D. 1873, at 8 o'clock in the forenoon of each of said days, and between the hours of 8 o'clock in the forenoon and 10 o'clock p. m., and to be continued without interruption, except by necessary adjournments, during all of said period of time, or so much thereof as may be necessary to examine the following witnesses, to wit:

1. James Dixon.
2. Elbert Butler.
3. William Verdery.
4. James Brigham.
5. George Neth Smith.
6. William Young.
7. Hardy Griffin.
8. Paragin Reyer.
9. James Ellison.
10. Alfred Bath.
11. Edmun Main.
12. Alex. Lawrence.
13. Moses Oliver.
14. Moses Young.
15. Sumpter Blocker.
16. Kinney Anson.
17. William Sanda.
18. Alex. Rowers.
19. John Brigham.
20. Benjamin Oliver.
21. Allen Burke.
22. Rarled Lawrence.
23. Canon Thornton.
24. Edward Clark.
25. David Godbee.
26. Samuel Lewis.
27. March Lovit.
28. Arter Royals.
29. David Griffin.
30. Josiah Wain.
31. Edmund Tuller.
32. Moses Harst.
33. William Dixton.
34. Joseph Clark.
35. Cyrus Sperscut.
36. Canon Harton.
37. Edmund Harper.
38. Patrick Harper.
39. Alfred Griffin.
40. Henry Brigham.
41. Price Ellison.
42. Richard Kelly.
43. Henry Chandler.
44. Hardy Royals.
45. Isaac Griffin.
46. Isaac Clark.
47. James Rowers.
48. Sandy Shewmake.
49. Jefferson Aron.
50. Willis Williams.
51. Smith Mobley.
52. William Yeardy.
53. Johnson Worth.
54. Jeffrey Hilton.
55. Zed Sapp.
56. Berry Brigham.
57. Isaac Boy.
58. Abram Mobley.
59. Harry Smith.
60. John Ellison.
61. George Jones.
62. Robert Marsh.
63. J. H. Clark.
64. Moses Ward.
65. E. Ellison.
66. Wilson Brigham.
67. Alec. Dixon.

All of Burke County, in said State of Georgia. Also all the other persons voting in the sixty-eighth militia district of Burke County on the 5th day of November, 1872, for member of Congress. Also G. P. Brown, formerly of Scriven County, now of Georgetown, South Carolina, Lewis Birney and Richard Arnett, of Scriven County, Georgia. Also H. M. Turner, of Savanah, Ga., and Lewis Pleasants, route agent on the Atlantic and Gulf Railroad, and Dr. S. Young and J. W. Carswell and John H. Perkins, of Burke County.

Yours, respectfully,

ANDREW SLOAN.

To MORGAN RAWLS,
Guyton, Ga.

SAVANNAH, GA., *February* 10, 1873.

Due and legal service of the within notice and list of witnesses acknowledged, copy thereof having been given me this day by contestant, and all further service and notice hereof waived.

SMITH & BEEKS,
Attorneys for Contestee.

Service acknowledged February 10, 1873, in my presence, by Smith & Beeks, attorneys for contestee.

JNO. J. NEWTON,
Notary Public.

EXHIBIT NO. 2.—ISAAC BECKETT, *register in bankruptcy.*

Regular republican ticket.

(Cut.)

GRANT AND WILSON TICKET.

For presidential electors:

AMOS T. ACKERMAN, } At large.
BENJAMIN CONLEY, }
First district—AMHERST W. STONE.
Second district—JOEL JOHNSON.
Third district—W. B. JONES.
Fourth district—W. W. MERRILL.
Fifth district—JOEL R. GRIFFIN.
Sixth district—JOHN F. SHINE.
Seventh district—C. D. FORSYTH.
Eighth district—GEORGE S. FISHER.
Ninth district—C. A. ELLINGTON.
For member of Forty-third Congress for the first congressional district of Georgia—ANDREW SLOAN.

EXHIBIT NO. 3.—ISAAC BECKETT, *register in bankruptcy.*

William Verdree.
Jim Brigham.
George Smith.
William Young.
Hardy Griffin.
Parigin Reyen.
James Ellison.
Alferd Barton.
Edmun Maine.
Alex. Larnce
Moses Allaver.
Moses Younge.
Samta Blocker.
Edward Clark.
David Gadbee.
Sam'l Lewis.
March Lovit.
Arter Rugals.
David Griffins.
Seyer Wain.
Edward Yaler.
Moses Harst.
William Dextain.
Joseph Clark.
Siers Sperscut.
Canan Harnton.

Kinery Anson.
William Sanda.
Alex. Romas.
John Brigham.
Beng'm Allver.
Allen Burke.
Caler Larnec.
Canon Harnton.
Isaiah Clark.
Sand Shoemak.
Willis Willian.
William Yeardy.
Jaffery Hillton.
Berry Brigham.
Abarm Mobely.
John Ellison.
Robert Marst.
J. A. Clark.
Eleyers Ellison.
James Dexter,
Alx. Dixton.
Edmon Harper.
Patrick Harper.
Alford Griffins.
Henry Brigham.
Price Ellison.
Richard Kelly.
Henry Chanlly.
Hardy Rayals.
Isaac Griffins.
James Romas.
Jaffson Aram.
Smith Mobely.
Johnson Wathers.
Yed Sapp.
Issac Boy.
Harry Smith.
George James.
Moses Ward.
William Brighorn.
Simon Butler.

EXHIBIT NO. 4.—ISAAC BECKETT, *register in bankruptcy.*

Regular republican ticket.

(Cut.)

GRANT AND WILSON TICKET.

For presidential electors:

AMOS T. AKERMAN, BENJAMIN CONLEY, } At large.

First district—AMHERST W. STONE.
Second district—JOEL JOHNSON.
Third district—W. B. JONES.
Fourth district—W. W. MERRILL.
Fifth district—JOEL R. GRIFFIN.
Sixth district—JOHN F. SHINE.
Seventh district—C. D. FORSYTH.
Eighth district—GEORGE S. FISHER.
Ninth district—C. A. ELLINGTON.

For member of Forty-third Congress for the first congressional district of Georgia—ANDREW SLOAN.

EXHIBIT NO. 5—ISAAC BECKETT, *register in bankruptcy.*

Names of the republican party voted the Pin Hill or Liberty Hill.

Jim Dixton.
Elbert Butler.
William Verdree.
James Brigham,
George Neth. Smith.
Siers Sperscut.
Canon Harntan.
Edmon Harper.
Patrick Harper.
Alford Griffins.

William Young.
Hardy Griffin.
Parigin Reyen.
James Ellison.
Alferd Bath.
Edmun Main.
Alex. Larnce.
Moses Allaver.
Moses Young.
Sunpto Blocker.
Kinery Anson.
William Sanda.
Alx. Romas.
John Brigham.
Benjimin Alavir.

Henry Brigham.
Price Ellison.
Richard Killy.
Henry Chaneley.
Hardy Rayals.
Isaac Griffins.
Isaah Clark.
James Romas.
Sanda Shoemak.
Jaffson Aram.
Willis Willian.
Smith Mabely.
Willian Yeardy.
Johnson Warth.
Jaffery Hilltion.

Allen Burk.
Karller Larnce.
Canon Harnton.
Edward Clark.
David Gadbee.
Samuel Lewis.
March Lovit.
Arter Rugals.
David Griffins.
Seyer Wain.
Edman Faller.
Moses Harst.
William Dextain.
Joseph Clark.

Yed Sapp.
Rerry Brigham.
Isaac Bay.
Abarm Mobely.
Harry Smith.
John Ellison.
George James.
Robert Marst.
J. A. Clark
Moses Ward.
Eleyers Ellison.
Wiliam Brigham.
Alx. Dixton.

In *proves* by W. Mobely.

This is a list of the republicans who voted at Liberty Hill, the sixty-eighth district.

EXHIBIT No. 6—ISAAC BECKETT, *register in bankruptcy.*

STATE OF GEORGIA,
Burke County, 61st district, G. M.

NOVEMBER 6*th*. 1872.

A. W. STONE,
Chief Supervisor of Elections for the Southern Judicial District of Georgia:

The election opened yesterday at the usual hour, and was honorably conducted during the receiving of the vote. No votes were rejected except those, in our judgment, should have been. There was a disposition manifested to confuse the tally-sheets, whereupon S. Young, one of our number, proposed to count out the votes, the managers of the election then counted them out, and the following is the result of those tallied and those counted:

Republican votes	tallied	106	
" "	counted	83	
			total 189
Democratic "	tallied	65	
" "	counted	48	
			" 113

Number of votes polled	311
" " thrown out	2
" " tickets short	7

All of which is respectfully submitted,

J. W. CARSWELL.
S. YOUNG.

	GRANT & WILSON ELECTORS.		GREELEY & BROWN ELECTORS.	
At large	Amos T. Akerman	189	W. T. Wofford	113
	Benj. Conley	189	Washington Poe	113
1st dist.	Amherst W. Stone	189	Henry L. Benning	113
2d dist.	Jole Johnson	189	Julian Hastridge	113
3d. dist.	W. B. Jones	189	H. G. Turner	113
4th dist.	W. W. Merrill	189	R. N. Ely	113
5th dist.	Jole R. Griffin	189	W. J. Hudson	113
6th dist.	John F. Shine	189	J. M. Pierce	114
7th dist.	C. D. Forsyth	189	Henry R. Casey	113
8th dist.	Geo. S. Fisher	189	J. N. Dorsey	113
9th dist.	C. A. Ellington	189	E. D. Graham	113
For member of the 43d Congress.				
Andrew Sloan		189	For member of the 43d Congress	113

SOUTHERN DISTRICT OF GEORGIA.

GEORGIA,
Chatham County, Savannah:

I, Amherst W. Stone, chief supervisor under the laws of the United States of elections, in the southern district of Georgia, hereby certify that the two foregoing sheets contain a true and correct statement and copy of the report of J. W. Carswell, (dem.,) and S. Young, (rep.,) supervisors duly appointed, of an election held on the 5th instant, in the 61st district G. M., in the county of Burke, State aforesaid, at which a member for the 43d Congress and presidential electors were voted for, and the original, of which this is a copy, is now on file in my office. In witness whereof I have set my hand and official signature this November 23, 1872.

AMHERST W. STONE,
Chief Superintendent S. District of Georgia.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Nov. 12, 1872.

A true copy of the above foregoing of file in this office. Witness my hand and official seal.

[SEAL.]

DAVID G. COTTING,
Secretary of State.

Rebutting testimony in behalf of contestant.

STATE OF GEORGIA,
Chatham County:

And now on this the 15th day of April, A. D. 1873, comes John J. Newton, a notary public in and for the county of Chatham and State of Georgia, pursuant to the notice of Andrew Sloan, contestant, served upon Morgan Rawls, esq., contestee, and under the agreement of the said parties, the said Newton residing in the first congressional district of Georgia, and examines the following named witnesses in the case of Andrew Sloan vs. Morgan Rawls, in the matter of the contest for a seat in the House of Representatives of the United States of America, in the Forty-third Congress, from the first congressional district of Georgia, no clerk being present or sworn, and the said Newton reducing the testimony of said witnesses to writing.

In the matter of the contested election in the first congressional district of Georgia, for a seat to represent said district in the House of Representatives of the United States of America, in the Forty-third Congress.

Depositions of witnesses, taken before John J. Newton, notary public in and for the county of Chatham, State of Georgia, residing in the first congressional district of the State of Georgia, at the law office of Andrew Sloan, on the corner of Drayton & Bryan streets, in the city of Savannah, county of Chatham, State of Georgia, on the part of Andrew Sloan, contestant, on the 15th day of April, A. D. 1873.

Parties present, John J. Newton, notary; Morgan Rawls, contestee; his son, Homer Rawls; James Aikins, attorney for Andrew Sloan, contestant; Andrew Sloan, contestant; and the witness, James Johnson.

Contestant presents and tenders in evidence the notice of time and place of taking testimony, at this place, together with the list of witnesses to be examined here, which is hereto attached and marked Exhibit No. 1.

JAMES JOHNSON, being sworn on the part of contestant, says:

Question. State whether or not you were present in Springfield, Effingham County, Ga., at the election held on the 5th day of November, 1872, for presidential electors and member of Congres?—Answer. I was.

Question. Were you about the polls throughout the day of that election?—Answer. I was there from 8 a. m. until about 4 o'clock p. m.

Question. Were the colored people peaceably disposed on the day of that election?—Answer. Yes, sir.

Question. Was there any attempt during your stay about the polls on that day, on the part of the colored people, to intimidate any one, white or colored, or to influence the vote of any one by means of fear or intimidation? Answer. No.

Question. Did any one in your knowledge vote for Col. Morgan Rawls, the democratic candidate for Congress, against his or their will?—Answer. Yes, sir; one I knew of. His name is Charlton Rawls.

Question. State how Charlton Rawls came to vote for Col. Morgan Rawls, contrary to his intention?—Answer. He asked for a Grant ticket, and Peter Roberts gave him a Grant ticket with Morgan Rawls' name at the bottom.

Question. How did Charlton Rawls ascertain that he had voted a

ticket with Morgan Rawls' name on it, and what did he say about it at the time?—Answer. When he came out, Bill Kaufman asked him what kind of a ticket he voted. He said he got a republican ticket from Peter Roberts. Bill Kaufman asked him to let him see one of his tickets. After looking at it Bill said, it is true; it is a republican ticket, but you voted for a democrat. Charlton Rawls replied that he did not know it.

Question. Who was the democrat for whom Charlton Rawls had voted, as referred to by Bill Kaufman?—Answer. Col. Morgan Rawls.

Question. Were any other republicans deceived into voting for Morgan Rawls by these republican tickets with the name of Rawls printed at the bottom?—Answer. I heard Bill Kaufman say there were several from the river side. I did not know them myself.

(Contestee, Morgan Rawls, objects to the foregoing answers of the witness, on the ground of hearsay, and to the witness stating any conversation between himself and others, the parties of whom he speaks being the only proper ones to prove these by.)

Cross-examination:

Cross-question. Are you a white man or a negro?—Answer. I am a colored man.

Cross-question. Is not a colored man a negro?—Answer. No, sir.

Cross-question. Where do you reside?—Answer. At No. 3½ Central Railroad, in Effingham County, Ga.

Cross-question. What induced you to come here?—Answer. I came here to tell what facts I knew as to what was right and just.

Cross-question. About what do you mean when you say you come here to tell what facts you know?—Answer. As to what happened on the day of the election.

Cross-question. Who told you that any facts were wanted about the day of the election?—Answer. I was authorized by the republican party.

Cross-question. Who is the republican party that authorized you to come here; name one man of that party who authorized you to come here?—Answer. I was notified by Captain Clark.

(Counsel for contestant here interposes an objection to contestee badgering the witness, unless everything that is said and done be fully recorded, showing the entire process by which witness's answers are arrived at.)

Cross-question. Where does Captain Clark reside?—Answer. At No. 3½ Central Railroad, in Effingham County.

Cross-question. When did Captain Clark notify you in Effingham County to come here?—Answer. I got the word yesterday.

Cross-question. Who notified you yesterday that you should be here to-day?—Answer. He, Captain Clark, did himself.

Cross-question. Is yesterday the first time Captain Clark spoke to you about coming here?—Answer. He did not speak to me yesterday; but in passing down the road yesterday morning he saw Bill Bird and told him to tell me and Bochier Hall to be certain to be here to-day.

Cross-question. Then when did Captain Clark speak to you about coming here?—Answer. I said I was notified by him. Captain Clark did speak to me about it on last Sunday.

Cross-question. Did Captain Clark promise you anything for coming here?—Answer. No, sir.

Cross-question. Have you any personal feeling against Morgan Rawls, the contestee in this case?—Answer. No, sir.

Cross-question. Did you not fall out with Morgan Rawls and complain to others because of his refusal to sell you a certain tract of land, and of Morgan Rawls' refusal to permit you to build a house and settle upon the said tract of land?—Answer. No, sir.

(Counsel for contestant objects to all the cross-examination after the third question and answer to this stage, upon the ground that it is not in any sense in cross-examination of anything brought out on the direct examination, and that all of said questions and answers are illegal and irrelevant, and have no bearing upon the issue involved.)

Cross-question. Who went in company with you to Springfield, on the day of said election?—Answer. I could not name them all, there being twelve or fifteen. I recollect James Childs, George Williams, Stephen Haywood, George Christain, William Kaufman, Moses Law, and others.

Cross-question. Where was that election held in Springfield?—Answer. In the court-house.

Cross-question. Were you inside of the court-house during your entire stay in Springfield?—Answer. I was backward and forth. I mean I was sometimes in the court-house, and at other times outside of the court-house.

Cross-question. How much of the time during that day were you outside of the court-house?—Answer. I do not know. I did not time myself.

Cross-question. Were you inside the court-house half the time you remained in Springfield?—Answer. I do not know whether I was or not.

Cross-question. Where was the larger portion of the crowd on that day—inside or outside the court-house?—Answer. Outside.

Cross-question. Were they all concentrated in one place, or were they scattered about over the ground?—Answer. They were walking about over the yard.

Cross-question. Do you know all the colored men who were at Springfield on the day of said election?—Answer. I did not know them all. There was not a man in the county who knew them all. I did not know half of them.

Cross-question. How do you know that there was no attempt, on the day of said election, to intimidate any one, white or colored, or to influence the vote of any one by means of fear or intimidation?—Answer. Because I was there, as before stated, from 8 a. m. until 4 o'clock p. m., and did not see anything like it.

Cross-question. Could you see and hear all that was said and done at said election?—Answer. I saw every voter, and was near the polls, and could have seen or heard anything like that going on, if such had been going on.

Cross-question. I was at said election; tell all that I said and did at said election.—Answer. I did not see you at the presidential election.

Cross-question. You stated that Bill Kaufman went to said election with you. Tell me all that he said and did at said election.—Answer. He said all the time he was going to vote the republican ticket.

Cross-question. Is that all that Bill Kaufman said on the day of said election?—Answer. He was distributing republican tickets, and said to the people that it was the republican ticket—with Mr. Sloan's name on it for Congress—and he wanted every republican to vote it; but if there were any who did not wish to vote it and wanted to vote the democratic ticket, they were at liberty to do so if they pleased.

Cross-question. Were you in Bill Kaufman's company every moment

during the time that you were going to and remaining at Springfield, on the day of said election?—Answer. I was not with him every moment.

Cross-question. Were you in company during the whole time you were at Springfield, on the day aforesaid, with Peter Roberts and Robert Reed?—Answer. I did not keep company with them that day. They were drunk, and nobody noticed them much.

Cross-question. Were you in company with Charlton Rawls during the entire day of said election?—Answer. He was not there very long. He went away mad. I was in company with him, I suppose, about a half an hour.

Cross-question. How do you know that he went away mad?—Answer. From what he said himself, that Peter Roberts had fooled him, and caused him to vote the democratic ticket.

Cross-question. Who heard Charlton Rawls say, besides yourself, that he was mad, and that Peter Roberts had fooled him and made him vote a democratic ticket?—Answer. Calvin Griffin, Bill Kaufman, Ben. Hall, James Childs, Bill Wilson, and others.

Cross-question. Who is Charlton Rawls?—Answer. A colored man. I have heard that he had been a slave and belonged to Col. Morgan Rawls. I mean he belonged to you.

Cross-question. Do you know on what terms are Charlton Rawls and myself?—Answer. I never heard him say that he had anything against you—only that you were a democrat.

Cross-question. Could Bill Kaufman read?—Answer. I have seen him read. He told me he could read. I have seen him looking at books, as others do when they read. I have seen him write letters.

Cross-question. Why did Bill Kaufman ask Charlton Rawls what kind of a ticket he voted?—Answer. Because it is usual to ask a man how he voted. I was asked myself how I voted.

Cross-question. Do you swear that Charlton Rawls voted for me at said election?—Answer. He said he did.

Cross-question. That is then all you know about it as what he said?—Answer. Yes.

Cross-question. Do you know of your own knowledge of any colored man voting for me at said election?—Answer. I know one; his name is Frank Patton.

Cross-question. How do you know that Frank Patton voted for me?—Answer. Because he had a democratic ticket, and Calvin Griffin told him that it was a democratic ticket he had; he said that it was the ticket he wanted to vote, and they need not come to him with any other ticket. I saw him hand it to the manager, and saw the manager put it in the ballot-box.

Cross-question. Where was Frank Patton at the time he had the conversation with Calvin Griffin, inside or outside the court-house?—Answer. On the outside. I was right behind him; when he put in his ticket, I put in mine right behind.

Cross-question. Then you followed Frank Patton to the ballot-box?—Answer. I did not intentionally, but went along with him.

Cross-question. Then if you did not follow him intentionally, how can you swear that the ticket that he gave the manager of election was the identical ticket that Calvin Griffin was speaking to him about outside the court-house?—Answer. Because he said he did not want any other but a democratic ticket.

Cross-question. Can you read?—Answer. No, sir.

Cross-question. Do you know of any quarrel or difficulty occurring at said election? If so, state between whom it did occur.—Answer. I

know of a little quarrel started in the evening by Peter Roberts, Bob Reed and Bill Kaufman, about two hundred yards from the court-house, the polls being closed at the time until after dinner.

Cross-question. Was the quarrel between Bob Reed and Peter Roberts, or were they not both friendly and quarrelling with Bill Kaufman ?—Answer. They both started a quarrel with Kaufman.

Cross-question. Were you present at that quarrel ?—Answer. I heard them talking, and went down there, but they did not have many words though.

Cross-question. Were there any other colored men present at that quarrel except the parties you have named ?—Answer. Those three men were there and started it; myself and Ben Hall went there, and talked to them, and told them it was no use to be quarreling; there was not much more said. When I first heard the quarrel, did not know but they intended to beat Bill Kaufman, they (Roberts and Reed) being drunk.

Cross-question. Did Frank Patton not tell you after he voted that he did not vote for me ?—Answer. I heard him deny it; he did not talk to me about it. I heard some one say to him, "Ho'ddy, democrat ?" He said "I am not a democrat." "Why, you voted the democratic ticket." He said "No, I did not."

Cross-question. Who was it who accused him of being a democrat ? Was it a democrat or republican that made the accusation ?—Answer. It was women speaking to him; I didn't know their politics.

(Counsel for contestant objects to all the questions and answers subsequent to the last objection, on the ground that they are not in cross-examination of anything brought out on direct examination, and on the further ground that all of them are totally illegal and irrelevant, and have no bearing upon the issue involved in this contest.

Contestee Morgan Rawls objects to the entire direct testimony of this witness, on the ground that it is not in rebuttal of any testimony taken by me during the time allowed by law for me to take testimony, and on the ground that the said testimony is illegal and irrelevant.)

his
JAMES + JOHNSON.
mark.

Sworn and subscribed before me April 15, 1873.
[SEAL.] JNO. J. NEWTON,
Notary Public.

Contestant tenders in evidence a notice of this date served upon contestee offering him one day of contestant's time allowed in rebuttal to examine Wm. Cantwell, who was sick during the time of contestee's notice to examine him, said paper being marked Exhibit No. 2.

Morgan Rawls, the contestee, acknowledges the seeming courtesy extended in the said document by Andrew Sloan, esq., the contestant, but objects to the Exhibit No. 2 going in as evidence on the ground that it does not guarantee to me the use of Mr. Cantwell, I having no knowledge at this time of Mr. Cantwell's whereabouts, and do not know or have any evidence that I can procure said Cantwell at the time designated; and that if I could, that his testimony taken separately and not in conjunction with other testimony from other witnesses, that his use in my behalf might require; but that I will accept the eighteenth day, the last day of contestant's time of taking testimony, for the purpose of placing any witnesses upon the stand that I may deem proper to use

on that occasion; and that I may be permitted to prove by others what I expected to prove by Mr. Cantwell.

[SEAL.] JNO. J. NEWTON,
Notary Public.

JOHN C. GRIFFIN sworn:

Question. Were you present at the election for presidential electors and member of Congress held in Springfield, Effingham County, Ga., on the 5th day of November, 1872?—Answer. I was; I was there from seven o'clock in the morning until a considerable time after the polls were closed.

Question. What were your opportunities for observing the conduct of the colored republicans on that day at that place?—Answer. I was out around the polls all day. My opportunities were very good for observing the conduct of colored republicans.

Question. Did you see or know of any attempt on the part of the colored republicans to hinder, delay or prevent other colored people from voting as they saw fit?—Answer. I did not.

Question. Did you know or hear of any attempt on the part of colored republicans to intimidate other colored people so as to prevent them from voting at that election?—Answer. I did not.

Cross-examination:

Cross-question. Where do you reside, and how long have you resided there?—Answer. At Whitesville, Effingham County, Ga. I have resided there five years and three months.

Cross-question. Do you claim to be a white or a colored man?—Answer. I claim to be a colored man.

Cross-question. In what capacity did you attend the election in that county on the 5th day of November, 1872?—Answer. I went there to poll my vote and give out tickets to others.

Cross-question. What kind of tickets did you go there to give out to others?—Answer. The regular republican ticket.

Cross-question. Who induced or requested you to go there to give out these tickets?—Answer. The most of that responsibility devolved upon myself. Our republican leaders down here in Savannah (Simms and Mr. Sloan) sent up the tickets to us; I received them at Springfield.

Cross-question. Did you distribute those tickets to every colored man at Springfield on the day of said election?—Answer. I did not to all, but did distribute to all who would receive them.

Cross-question. Did you distribute those tickets to the white men at Springfield?—Answer. I did, but there were a very few who would vote them.

Cross-question. Were there not other republican tickets distributed at Springfield on the day of said election, except what you distributed?—Answer. There were some there that day with Rawls's name at the bottom of them. I can't say whether they were distributed there or not.

Cross-question. Did you see the tickets that you refer to in your last answer, with Rawls's name at the bottom, in the hands of the colored voters?—Answer. I did.

Cross-question. Was Rawls's name on the bottom of said tickets for Congress?—Answer. Yes.

Cross-question. Were these tickets that you saw with Morgan Rawls's name on the bottom, that you said you saw in the hands of colored voters, were they genuine republican tickets with the exception of my name?—Answer. They were.

Cross-question. Can you read?—Answer. I can, a little. I could sufficiently to make out all the names of the electors.

Cross-question. Do you know, of your own knowledge, of any colored man who was deceived, intimidated, or made to vote for me at that election?—Answer. I can't say candidly that I do.

Cross-question. Are you well acquainted with the colored voters of Effingham County?—Answer. I am not with all of them.

Cross-question. From your acquaintance then with the colored people of Effingham County, how am I regarded by them as a man and citizen?—Answer. By what you are, you are; if you owe them anything you pay them.

(Counsel for contestant objects to the foregoing so-called cross-questions and answers, on the ground that they are in no sense a cross-examination upon the direct examination, and because they are illegal and irrelevant to the issue between the parties to this contest, it being an attempt on the part of the contestee, Rawls, under the pretense of carrying on a cross-examination, to re-open his case, and take new evidence after the expiration of the time allowed him by law.)

(Morgan Rawls, the contestee, objects to all the testimony of this witness in the direct examination, on the grounds that it is not in rebuttal of any testimony taken by myself in the time prescribed by law for me to take testimony, and because they are illegal and irrelevant to the issue of the parties of this contest, it being an attempt on the part of counsel Atkins for the contestant to prove new facts that are not embraced in the grounds of contest, nor in the answer made thereto.)

JOHN C. GRIFFIN.

Sworn and subscribed before me April 15, 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

Hearing met pursuant to adjournment at the office of Andrew Sloan, corner of Drayton and Bryan streets, in the city of Savannah, Chatham County, Ga., at 9 o'clock a. m., April 16, 1873.

Parties present: John J. Newton, notary public; Morgan Rawls, contestee; his son, Homer Rawls; James Atkins, attorney for Andrew Sloan, contestant; Andrew Sloan, contestant, and the witness, D. G. Cotting.

D. G. COTTING sworn:

Question. Where were you on the 5th day of November, 1872; what official position did you hold, if any, and how long afterward did you hold the same?—Answer. I was in Atlanta on the 5th day of November, 1872; held the office of secretary of state of Georgia, and surrendered that office to my successor on the 13th day of January, 1873.

Question. Were the returns of the election for Congressman and presidential electors filed and deposited in your office? If so, state upon what basis the governor declared the result of the election in the first congressional district of Georgia for member of the Forty-third Congress?—Answer. The returns were first sent to the governor, and from his office they came to my office unopened, with seals unbroken; they were filed and deposited in my office and remained there. My duty upon receiving the returns was to open them and to add up the vote of the counties comprising the district; ascertain the vote for each candidate

and report the vote to the governor. The returns as made out by the consolidating managers of the election in each county of the district was the basis of my report to the governor. The governor declared the result of said election upon the basis of my report. I paid no attention to any protests or returns outside of the returns of the consolidating managers, not considering that I was empowered to judge in such matters.

Question. Were the three precinct returns of Chatham County, outside of the city of Savannah, known as Cherokee Hill, Chapman's House, and Isle of Hope, also Bailey's Mills precinct in Camden County, and the Lawtonville precinct, in the sixty-first militia district of Burke County, included in and counted in making up the figures upon which the result of said election was declared?

(Morgan Rawls, contestee, objects to the foregoing question and any answer that may be made thereto, on the ground that it is not in rebuttal of any testimony taken for contestee during the time allowed contestee by law to take testimony; and on the ground that it is an attempt on the part of the contestant to re-open his direct testimony, and to prove allegations] made in his, contestant's, grounds of contest; and upon the ground that it is an attempt on the part of said contestant to prove by this witness election returns that do not in fact exist, there being no evidence going to show any such returns made to the secretary of state as the Lawtonville precinct, sixty-first district of Burke County.)

Answer. The three precinct returns of Chatham County mentioned were not counted or mentioned in my report to the governor. Neither of the other returns mentioned were counted or included in my report. I reported to the governor as having been received, but not counted, the three Chatham County precincts mentioned, and all the other precinct returns mentioned, which were received up to the time of making my report.

Question. On what day were the returns from the county of Bulloch received at your office?—Answer. The returns of the congressional and presidential election held on the 5th day of November, 1872, were received at my office on the 21st or 22d of November, 1872, to the best of my recollection; I refer to the returns from Bulloch County.

Question. Look at the paper now presented to you, state what it is, and how it came into your possession, and what it contained when you first received it?—Answer. It is an envelope which did contain the returns of the election of Bulloch County, held on the 5th day of November, 1872. It was brought from the executive office, to my office, as is usual, with the seal unbroken and the package unopened.

Question. Where does the post-mark on the package or envelope show the same was mailed and upon what date?—Answer. At Savannah, Georgia, on November the 19th, 1872.

Question. Were not the Bulloch County returns the last received at your office from the first congressional district of Georgia?—Answer. They were the last regular or consolidated returns received at my office.

Question. Was the original consolidated return of Bulloch County from which you made the certified copy of the consolidated return from that county, while secretary of state, and sent to me at this place, the only consolidated return of that election record from Bulloch County?—Answer. It was.

(Contestant tenders in evidence the envelope heretofore referred to as having contained the returns of Bulloch County, which is hereto annexed and marked Exhibit No. 3.)

(Morgan Rawls, contestee, objects to all the foregoing questions and answers referring to the Bulloch County returns, on the ground that they are not in rebuttal of any testimony taken by contestee; contestee also objects to the introduction of the paper marked Exhibit No. 3, on the same ground, it not being in rebuttal to any testimony taken by contestee, also it not being in the condition now that it was when received by the witness.)

Cross-examination:

Cross-question. When were you elected secretary of state?—Answer. On the 7th of August, 1867.

Cross-question. To what political party did you belong at the time of your election, and by what political party do you claim to have been elected secretary of state?—Answer. I belong to the republican party, and was elected chiefly by the votes of that party.

Cross-question. Do you claim still to belong to the republican party and to have continued a republican from the time of your election as secretary of state up to the present time?—Answer. I do claim to belong to the republican party. I have remained such ever since my election.

Cross-question. Did the report of the election held on the 5th day of November, 1872, for presidential electors and a member of the Forty-third Congress, that you as secretary of state made to the governor, include the consolidated returns of each county in the first congressional district?—Answer. It did.

Cross-question. Then the return from Bulloch County was included in the report you made to the governor?—Answer. It was.

Cross-question. Was this report made by you to the governor made within the time prescribed by law?—Answer. It was.

Cross-question. Was the governor's proclamation issued and based upon that report, and did the proclamation contain the names of the persons elected to the Forty-third Congress, as appeared by the consolidated returns and reported by you to the governor?—Answer. The governor's proclamation was based upon my report, and did contain the names of the persons that I reported as elected to the Forty-third Congress by the consolidated returns.

Cross-question. Whom did you report to the governor elected to the Forty-third Congress from the first congressional district of Georgia?—Answer. The honorable Morgan Rawls.

Cross-question. Did the consolidated return from Bullock County reach your office in good condition, being properly sealed up and addressed, and in the usual mode of receiving returns from that and other country counties?—Answer. It reached my office in the usual way the returns come to my office. It was not sealed in accordance with law, because the names of the superintendents were not written across the seal. It was however securely sealed in a good envelope. It was addressed to His Excellency, Atlanta, Georgia.

Cross-question. Do you recollect during your term of office what has been the political character of Bullock County, as shown by the return from that county?

(Contestant objects to the question as illegal and irrelevant.)

Answer. During my term of office, to the best of my recollection, it has been democratic.

Cross-question. Were the returns of election from the first congressional district of Georgia, of the election held on the 5th day of November, 1872, received at your office at the same time and in as good con-

dition as the returns of the same election from the second congressional district, upon which Richard H. Whitely was declared elected a member of the Forfy-third Congress, and within the same time and manner that the returns of the same election from the other congressional districts of Georgia were?

(Contestant objects to the question as illegal and irrelevant.

Answer. All the returns from the second congressional district were received some days before all the returns from the first congressional district were received. Both the returns from the first and second congressional districts were received in good condition. The returns generally from the State were received in good condition.

Cross-question. Was the so-called Baily's precinct return, referred to in your direct testimony, received at your office before or after the governor issued his proclamation and certificate of election to Morgan Rawls.—Answer. To the best of my recollection it was received afterwards.

Cross-question. Before you went out of the office of Secretary of State did you receive the precinct returns of the 259th district of Scriven county?—Answer. Two or there days before I surrendered the office, say, on the 9th or 10th of January, 1873, I received by the hands of Mr. Dill of Scriven County, representative in the legislature, a package containing the returns of a precinct in Scriven. I do not remember the number. I filed that package with the election papers of Scriven County. I made an entry over my signature on the envelope showing the date I received it, from whom received, &c. I did not make any report of it to the governor.

(Contestant objects to the question and answer on the ground that it it not in cross-examination.)

Cross-question. Did you receive and report to the governor precinct returns from Charlton County, giving Morgan Rawls, the contestee, the entire vote of said precinct, that were not included in the consolidated return from Charlton County?—Answer. There was nothing included in my report to the governor except the consolidated returns. I have no recollection of any such precinct returns being received.

(Contestant objects to the question and answer on the same grounds as the last preceding question.)

Cross-question. Was the envelop offered in testimony by contestant marked Exhibit No. 3, in the mutilated or torn condition, when received by you, at your office that it is now?—Answer. It was not torn when I received it, but I tore it open at the end to get out the returns. The hole in the side was cut since received. It was done to get the seal off—I cut off the seal.

DAVID G. COTTING.

Sworn and subscribed before me April 16th, 1873.

JNO. J. NEWTON,
Notary Public.

WILLIAM A. GOLDING sworn:

Question. State where you reside, and what public position, if any, you hold?—Answer. I reside in Liberty County. I am a member of the legislature.

Question. Were you present at the election held on the 5th day of last November, at Riceborough, in the county of Liberty, for presiden-

tial electors and member of Congress from the first congressional district?—Answer. I was.

Question. In what capacity did you act at that time and place?—Answer. I was one of the managers at that election.

Question. How did you come to act as one of the managers at Riceborough on that day?—Answer. The magistrate who was sent by the ordinary to be there failed to attend. Then I asked some one to open the polls; Benjamin B. Allen was one I asked. He said his business was such that he could not leave. Then G. A. Emerson came in town, when I spoke to him—he agreed to act, provided he could get assistance; I told him to go among the whites and see if he could get any of them to assist him; he asked Fred. Lyons in my presence, he said he could not act. He went among the whites, a very few of them being present, and returned to me saying he could not get any one to act. He said then to me, "You are a freeholder, if you will assist, and get another one of your men, I will be one." I replied that there were lots of freeholders here, but I preferred to wait later, and let the white men act. We waited until 11 o'clock, he (Emerson) come to me again, and said, "The time is getting away." I said to him "that we would go in and fix up the papers," so we did; after which we swore in one another. At precisely at 11½ o'clock the polls were opened, and the first vote was cast.

(Morgan Rawls, contestee, objects to the foregoing question and answer, on the ground of irrelevancy to the case at issue in this contest. And on the ground that a larger portion of the testimony being what others said.)

Question. What was the name of the magistrate you refer to, and in what militia district did he reside?—Answer. Joseph Ashmore. He resided in the Riceborough district.

Question. Who were your fellow managers upon that occasion?—Answer. G. A. Emerson and Andrew Baker.

Question. Were they or not all freeholders?—Answer. They were all freeholders.

Question. Were you at that time a freeholder?—Answer. I was.

Question. Please state how the election at Riceborough, held on the 5th day of November, 1872, was conducted, as to fairness?—Answer. That election was fairly conducted. The polls were in a small room, with a door at the end, and one on the side of the house. Entering from the end door the voters went out at the side door. I had two men stationed at the door for the purpose of preventing them from blockading the door, and for the purpose of passing them in, and having order and keeping the peace, and facilitating the voting. The voters passed out at the side door after they had voted, just as soon as they could, to give room for others to come in.

Question. Was every precaution exercised that you could think of to enable the voters to cast their ballots as fast as possible?—Answer. There was.

Question. Was there any special reason spoken of or understood among the managers why the balloting should be carried on as rapidly as possible?—Answer. Yes; because we wanted to cast as many votes as possible, the time being so short for such a large body of men to vote.

Question. What was the length of time allowed for balloting after you and your fellow-managers opened the polls?—Answer. About 3½ hours, according to law.

Question. Were the ballots, on that occasion, deposited in the ballot-box more rapidly than usual at elections in that county?—Answer. Yes;

because the time was so short. I have managed several elections at Riceborough, when I had more time than I had on this occasion, therefore I knew what could be done, and what could not be done. We could, on former occasions, have a recess and time for dinner, but on this occasion we could not, and did not.

Question. Were the colored people riotously disposed at Riceborough on that occasion, or were they good natured and peaceable?—Answer. No; they were good natured and peaceable. I did not hear a rough word.

Question. When, and why, at that particular time, were the polls closed?—Answer. Precisely at 3 o'clock, the time prescribed by law.

Question. Who were candidates for Congress at that election at Riceborough?—Answer. Col. Morgan Rawls was the democratic candidate, and Andrew Sloan the republican candidate. They were the only candidates.

Question. How many votes, if you can remember, were given at Riceborough on that day for Morgan Rawls, the democratic candidate, and Andrew Sloan, the republican candidate?

(Morgan Rawls, the contestee, objects to the foregoing question, and to any answer that may be made thereto, on the ground that it is an attempt on the part of counsel for contestant to show, by witnesses, the result of an election. The returns of election for this, the Riceborough precinct, being now on file in the Secretary of State's office, and said returns being better, and the only evidence of the result of the election at the Riceborough precinct.)

Answer. To the best of my knowledge, Morgan Rawls received three votes, and Andrew Sloan received, I think, about three hundred and thirty-seven votes. I did not keep it in my mind. I have a list at my house.

Question. Did the number of votes returned by you and your fellow-managers of that election represent accurately and correctly the number actually cast for the respective candidates, Rawls and Sloan, at that precinct, on the 5th day of November last?—Answer. Yes.

Question. Were any legally qualified voters present at Riceborough on the 5th day of November, 1872, prevented from casting their ballots; if so, what party or parties did they belong to, and what prevented them from voting?—Answer. A want of time prevented one hundred and fifty colored men, whom I counted myself, after the polls had been closed, after 3 o'clock, who had not voted, but who were pressing at and jammed in the door, at the time the hour of 3 o'clock arrived, attempting to get to the polls to cast their ballots. The only white man I saw at the door at that time was a young man named Lyons, who was standing outside, back of the crowd of colored people, to whom I said, "Mr. Lyons, have you voted?" He said "no, and damned if I want to vote." I saw two other white men there, but I think they were strangers, and not entitled to vote there, being picture men from parts unknown to me. There were not white men in the town that day, of all sorts, exceeding a dozen. The one hundred and fifty colored men, of whom I have spoken, belonged to my own club; they belonged to the republican party. The white men who were present, of whom I spoke, I do not know to what party they belonged. I allude to such white men as I saw on the election ground, who did not vote.

Question. Had you any means of knowing how these men would have voted, as between Andrew Sloan and Morgan Rawls, and whether they had paid their taxes for 1871, and where they resided?—Answer. Yes, I do. I know they would have voted for Sloan, because they were mem-

bers of my club, I being president, and that club contained four hundred and seventy men, every one of whom had their tax receipts for 1871. The club was under a pledge to support the republican candidate for Congress, and others, which pledge I have in writing, and the members of the club were pledged to support the nominee of the republican party, even if it be a democrat.

Question. State if you were intimately and personally acquainted with the one hundred and fifty colored men, whom you have stated the want of time prevented from casting their ballots at the election we are talking about? I do know them; pretty near all; but I have lived out of the county a good deal, and a good many young men have grown up, whom I know by face, but cannot designate them all by name.

Question. Did you, from your knowledge of the men and their purposes at that time, think the men that you have referred to, and whom you say you counted, would have voted for Sloan, had time permitted?—Answer. Yes, they would.

Question. Can you state what kind of ballots or tickets these colored men used who were pressing into the house to vote at the time the polls were closed?—Answer. It was this kind of a ticket, handing a ticket, which is hereto attached, marked Exhibit No. 4.

EXHIBIT NO. 4.

Regular Republican Ticket.

GRANT & WILSON TICKET.

For Presidential Electors,

AMOS T. AKERMAN, } At large.
BENJAMIN CONLEY, }

First district—AMHERST W. STONE.
Second district—JOEL JOHNSON.
Third district—W. B. JONES.
Fourth district—W. W. MERRILL.
Fifth district—JOEL R. GRIFFIN.
Sixth district—JOHN F. SHINE.
Seventh district—C. D. FORSYTH.
Eighth district—GEORGE S. FISHER.
Ninth district—C. A. ELLINGTON.
For member of 43d Congress for the First Congressional district of Georgia—ANDREW SLOAN.

(Morgan Rawls, the contestee, objects to all the testimony of this witness in the foregoing answers referring to any club of which he, the witness, was president, and of undertaking to tell how one hundred and fifty men, who did not vote, would have voted, on the ground of it being hearsay, the only evidence as to how a man voted being the ballot that the voter polled. The contestee also objects to the introduction of the paper placed in testimony, marked Exhibit No. 4, by the witness; the contestant in this case, Andrew Sloan, or his counsel, being the only parties authorized to offer in evidence any papers at this state of the case.)

Question. Did you close the polls at 3 o'clock, as you have testified, because you thought the law made it your duty to do so at that particular time?—Answer. Yes.

Cross-examination:

Cross-question. Do you belong to the white or colored race?—Answer. Colored.

Cross-question. To what race did the other managers of the Riceborough election belong?—Answer. One was a colored man and the other a white man. G. A. Emerson was white and Andrew Baker was colored.

Cross question. To what political party do you and the other managers at the Riceborough election belong?—Answer. Republican party.

Cross-question. Are the colored men of Liberty County permitted to vote for a democrat without the consent of the members of the club to which they belong?

(Counsel for contestant objects to the question on the ground that there is no proof that all the colored men of Liberty County belong to any club.)

Answer. We that belong to a club all vote the same way. We harm no man for voting as he pleases.

Cross-question. Are there any colored men in your county who are democrats and vote for democratic candidates?—Answer. Yes, there are.

Cross-question. On the day of the election here in question, at Riceborough, did you preside at the polls inside the room, continuously from the time the polls were opened until they were closed?—Answer. Yes.

Cross-question. Are you well acquainted with the white men of Riceborough and in that neighborhood?—Answer. I know every man personally in Riceborough, and know them all in the neighborhood by face, if not by name.

Cross-question. To what political party do the white men of Riceborough and in that neighborhood generally belong?—Answer. They are all democrats.

Cross-question. Were the two men that you had guarding the door white or colored men?—Answer. Colored men.

Cross-question. Were they democrats or republicans?—Answer. Republicans.

Cross-question. Were you and the other managers of that election closely and attentively engaged at the polls inside the room, from the time the polls were opened until they were closed?—Answer. Yes.

Cross-question. Did you count the white men in and at Riceborough on the day of said election?—Answer. I did not.

Cross-question. Were there no other colored men at Riceborough than those who belonged to the club of which you say you were president?—Answer. Yes; there were others not belonging to my club.

Cross-question. Of these colored men you speak of who did not get a chance to vote, were there not several who did not belong to your club?—Answer. Yes; there were some who were not members of any club, and some who belonged to different clubs from mine. I am chairman of all the republican clubs in Liberty County.

Cross-question. Did you examine the ticket in each man's hand who you say did not vote on that day?—Answer. I did not take the tickets out of their hands to examine them, because the tickets were so large that I could not be mistaken as to what kind of tickets they were.

Cross-question. Did you see tickets in the hands of all the men who you say did not vote on that day?—Answer. That I can't say; I cannot remember.

Cross-question. What opportunity had you for seeing any tickets in the

hands of the colored men who you say did not vote?—Answer. By seeing them with the tickets in their hands, shaking them, the tickets being very large.

Cross-question. Where were you at the time you saw them shaking their tickets?—Answer. I was sitting in the room where the election was held.

Cross-question. Where were the men who were shaking their tickets in their hands, at the time they were shaking them?—Answer. They were outside, at the doors and windows, there being two doors and two windows; each of which was filled with men, who were shaking their tickets outside.

Cross question. Can you name the colored men who you say did not get a chance to vote on that day?—Answer. I cannot name all of them now. Could name Edmund Andrews, William C. Bacon, and others.

Cross-question. What time did you arrive at Riceborough on the morning of said election?—Answer. Before eight o'clock a. m.

Cross-question. About what time of day did the other managers arrive at Riceborough on that day?—Answer. I think it was about 10 o'clock when Mr. Emerson spoke to me about getting some one to open the election. I do not know what time he arrived there. I saw Baker before I did Emerson; do not know what time Baker arrived there.

Cross-question. Did the white men who were at Riceborough on the day of said election vote?—Answer. Three only voted, so far as my knowledge goes.

Redirect:

Question. How did you manage to count the one hundred and fifty non-voting colored men that you have testified about, and how came you to count them?—Answer. I had them form a line off from the house, which was done by one of the officers of the club, and I told him to count them. They, the officers and other members, blamed me for not opening the polls at the proper time, because I was there at the proper time, knowing that Ashmond always defeated us, by disappointing us, in not coming out to open the election. They blamed me, and asserted that two hundred of them were there who had not voted. I contended that there were not so many. I then counted them, to settle the question, and found there were one hundred and fifty.

(Morgan Rawls, the contestee, objects to all the foregoing redirect testimony, on the ground that it is irrelevant and illegal, and on the ground that it is not in rebuttal of any testimony taken by the contestee, nor in substantiation of any allegation made in contestant's grounds of contest; all of said testimony being of what occurred after the polls were closed.)

W. A. GOLDING.

Sworn and subscribed before me April 16th, 1873.

JNO. J. NEWTON,
Notary Public.

Hearing met pursuant to adjournment, at the office of Andrew Sloan, corner of Drayton and Bryan streets, in the city of Savannah, Chatham County, Georgia, April 18th, 1873.

Parties present: John J. Newton, notary public; Morgan Rawls, contestee; his son, Homer Rawls; Andrew Sloan, contestant; and Captain W. W. Paine, counsel for contestee.

Contestant hereby notifies contestee that he closes his case in rebuttal, and has no further testimony to take, and no further documentary evidence to introduce.

JNO. J. NEWTON,
Notary Public.

EXHIBIT NO. 1.—*Notice to take depositions.*

In the matter of the contested election for a member of Congress from the first congressional district of Georgia, in the House of Representatives of the Congress of the United States for the Forty-third Congress.

SAVANNAH, GA., *April 5th*, 1873.

SIR: You are hereby notified, that in pursuance of "An act of Congress entitled an act to prescribe the mode of obtaining evidence in cases of contested elections," passed the 19th of February, A. D. 1851, and the several supplements thereto, and later laws of Congress in reference thereto, it is my intention to examine witnesses before John J. Newton, a notary public in and for the county of Chatham, State of Georgia, the said John J. Newton residing within the said first congressional district of Georgia, and being duly authorized by said acts to examine witnesses, or before some other person or persons duly qualified, at the office of Andrew Sloan, corner Drayton and Bryan streets, in the city of Savannah, in the county of Chatham, in the State of Georgia, in the above matter, on the fifteenth, sixteenth, seventeenth, and eighteenth days of April, A. D. 1873, at eight o'clock in the forenoon of each of said days, and between the hours of eight o'clock in the forenoon and ten o'clock p. m., and to be and continue without intermission, except by necessary adjournments, during all of said period of time, or so much thereof as may be necessary to examine the following-named witnesses, to wit: Isaac Beckett, J. E. Bryant, A. N. Wilson, M. H. Hale, A. W. Stone, James Hines, F. D. Butts, and John Riley, of Chatham County; J. W. Carswell, Jesse Wimberly, and B. F. Duke, of Burke County; D. G. Cotting, of Atlanta, Ga.; W'm A. Golden, W. S. Norman, Sam. McConnell, Green Emerson, Prince Norman, Moses Holmes, Prince Wilson, Sandy Wilson, W'm C. Bacon, and Samuel Stewart, of Liberty County; Bachus Hall, Calvin Griffin, Cyrus Griffin, James Johnson, Jesse R. Dean, William Jenkins, John F. Toole, and Augustus N. Rahn, of Effingham County; also Harry Williams, of Chatham County.

ANDREW SLOAN,
By JAMES ATKINS, *Att'y.*

To MORGAN RAWLS, Esq.,
Guyton, Ga.

SAVANNAH, GA.

I hereby acknowledge service of the within notice and copy thereof, the requisite ten days' notice to be counted and reckoned from the 5th instant inclusive, as per agreement.

MORGAN RAWLS.

SAVANNAH, GA., *April 7th* 1873.

EXHIBIT No. 2.

In the matter of the contested election of Andrew Sloan vs. Morgan Rawls, for a seat in the 43d Congress from the first congressional district of Georgia.

SIR: As you did not examine Wm. Cantwell during the time allotted to you under the law, he then being ill, I hereby tender you one of my days, allowed in rebuttal, to examine Mr. Cantwell, if you so desire. You can have the 18th day of this month, my last day, to examine Cantwell, if you so desire. I will waive every notice or formality in any way, shape or form, as to it.

I am, very respect., your ob't serv't,

ANDREW SLOAN,
Contestant.

Savannah, Ga., April 15th, 1873.

To MORGAN RAWLS,
Guyton, Ga.

SAVANNAH, GEORGIA, *April* 15, 1873.

I, John G. Clark, hereby swear that I have this day served a true and correct copy of the within notice upon Morgan Rawls, the contestee and party named in the notice, to me well known, and that I have compared the copy with this original.

J. G. CLARK.

Sworn to and subscribed before me this 15 day of April, 1873.
[SEAL.] JNO. J. NEWTON,
Not. Public.

EXHIBIT No. 3.—JNO. J. NEWTON, *notary public.*

(Stamp:) Savannah, Ga., Nov. 12. [Four postage-stamps—30, 10, 10, and 7 cents.]

To HIS EXCELLENCY,
Atlanta,
Georgia.

[SEAL. W. & B.]

EXHIBIT F.—*Precinct returns.*

STATE OF GEORGIA,
Chatham County:

All and each of us do swear that we will faithfully superintend this day's election; that we are a justice of the peace and freeholders of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor knowingly prohibit any one from

voting who is so entitled by law, and will not divulge for whom any vote was cast unless called on under the law so to do: So help me God.

(S'g'd) KING S. THOMAS, *J. P.*,
" LEWIS BENNETT, *Freeholder*,
" JOSEPH his + mark. SNEED, *Freeholder*,
Superintendents.

Then appeared Mr. Lewis Bennett and Mr. Joseph Sneed, who are freeholders and sworn to and subscribed before me this fifth day of November, A. D. 1872.

(S'g'd) KING S. THOMAS,
Justice of the Peace.

Then appeared King S. Thomas, esq., a justice of the peace, and swore to and subscribed before me this the fifth day of November, 1872.

(S'g'd) LEWIS BENNETT,
Freeholder.

STATE OF GEORGIA,
Chatham County:

By virtue of the statutes in such cases made and provided, an election was held on the fifth day of November, 1872, at the Isle of Hope, for 5th & 6th districts, G. M., in the county of Chatham, for presidential electors and for a member of the Forty-third Congress to represent the first congressional district of Georgia in the House of Representatives of the United States Congress, and we, the superintendents, do hereby certify that upon counting out the votes polled the following is the result:

Names of presidential electors.			
Amos T. Akerman	received.....	two hundred and fifty-three	votes.
Benjamin Conley	"	two hundred and fifty-three	"
Amherst W. Stone	"	two hundred and fifty-three	"
Joel Johnson	"	two hundred and fifty-three	"
W. B. Jones	"	two hundred and fifty-three	"
W. W. Merrill	"	two hundred and fifty-three	"
Joel R. Griffin	"	two hundred and fifty-three	"
John F. Shine	"	two hundred and fifty-three	"
C. D. Forsyth	"	two hundred and fifty-three	"
Geo. S. Fisher	"	two hundred and fifty-three	"
C. A. Ellington	"	two hundred and fifty-three	"
W. T. Wofford	"	none.	
H. L. Benning	"	"	
Julian Hartridge	"	"	
Washington Poe	"	"	
G. H. Turner	"	"	
R. N. Ely	"	"	
W. I. Hudson	"	"	
James M. Pace	"	"	
N. R. Casey	"	"	
J. N. Dorsey	"	"	
E. D. Graham	"	"	
Permedus Reynolds	"	"	
Walter H. Weems	"	"	
W. L. Mershon	"	"	
T. L. Guerry	"	"	

Names of presidential electors.		
John H. Woodward	received.....	none.
Henry Persons	"	"
Geo. M. McDowell	"	"
H. J. Bates	"	"
Alex'der S. Atkinson	"	"
Miles W. Lewis	"	"
G. M. Netherland	"	"

Names of candidates for Representative in the 43d Congress of the United States.		Number of votes polled.
Andrew Sloan	received.....	two hundred and fifty-three votes.
Morgan Rawls	"	none.

Which will fully appear by reference to the enclosed list of voters and tally-sheet.

Given under our hands and official signatures this fifth day of November, 1872.

(S'g'd) KING S. THOMAS, *J. P.*,
" LEWIS BENNETT, *Freeholder*,
" JOSEPH his + mark. SNEED, *Freeholder*,
Superintendents.

(Indorsed:)

SAVANNAH, GA., *Nov. 8th*, 1872.

We do hereby certify that the within is a true copy of returns deposited this day with the clerk of the superior court of Chatham County, also of those sent the hon. secretary of state, and the governor of the State.

W'M CANTWELL.
JAMES PORTER.
JOHN H. DAVEAUX.
ISAAC BECKETT.
THEO. BASCH.
ISAAC SEELEY.

EXHIBIT G.

List of voters who voted at an election held on the fifth day of November, A. D. 1872, at Isle of Hope, for the fifth and sixth districts G. M., Chatham County, Georgia, for presidential electors and a representative in the 43d Congress of the United States.

1 Peter Parker.
2 Joseph Jackson.
3 Lewis Hardgraves.
4 Dick Richards.
5 Loudon Singleton.
6 Henry Jones.
7 May Ma Lord.
8 Daniel Macon.
9 Abram Hall.
10 Jesse Jordan.
11 Andrew McKinney.
12 Jackson Denegall.
13 Cassius Campbell.
14 Tom Davis.
15 Honor Powell.
16 Wm. Gibbons.
17 Cuffy Washington.
18 Juby Houston.
19 Wm. Wilson.
20 Primus Howard.
21 Joseph Quarterman.
22 Jas. White.
23 Henry Simmons.
24 James Pooler.
25 Sam. Vaughan.
26 Shaffer Davis.
27 Richard Logan.
28 John Gibson.

29 Levander Hewett.
30 Sancho Minis.
31 Philip Young.
32 Andrew Strobert.
33 Samuel Jones.
34 Primus Brown.
35 Lawrence Jones.
36 March Green.
37 John Simmons.
38 Sam. Pray.
39 Toney Monroe.
40 Jacob Tison.
41 Joseph Parker.
42 July Butler.
43 Will Smith.
44 John Morgan.
45 Simon Ely.
46 Prince Houston.
47 Abram Collins.
48 Adam Butler.
49 Richard Burke.
50 Tom. Thomas.
51 James Batey.
52 Tom. Curry.
53 Peter Grant.
54 Zachariah Pierce.
55 John Sneed.
56 Richard Fields.
57 Emanuel Williams.
58 Charles Houston.
59 Harry White.
60 Moses Butler.
61 John Batey.
62 Sampson Grant.
63 Jack Peekman.
64 Adam Jones.
65 Henry Smith.
66 Samuel Bowen.
67 Jeffrey Welcome.
68 Moses Cohen.
69 Trim Cummings.
70 Cuffy Brown.
71 Stephen Howard.
72 July Law.
73 Bob Warren.
74 Renty Butler.
75 John Phœnix,
76 Jim Green.
77 Barcus Gould.
78 Primus Harris.
79 Geo. Gaskin.
80 Sam. Broer.
81 Samuel Collins.
82 David Slee.
83 Anthony Owens.
84 July Hall.
85 Henry Deas.
86 Adam Frazier.
87 Isaac Slee.
88 Clark Cuyler.
89 Samuel Jenkins.
90 Gabriel Butler.
91 Ben Butler.
92 Abram Singleton.
93 Senty Tennant.
94 Cuffy Bacon.
95 Robert Ampee.
96 Jonas Tucker.
97 Isaac Mumford.
98 James Fletcher.
99 Joseph Sneed.
100 Buck Haywood.
101 Tom Middleton.
102 Nat. Key.
103 Mitchell Jackson.
104 Dick Wright.
105 Sampson Simmons.
106 Jesse Beach.
107 Ceasar White.
108 Sam. Davd.
109 Jack Davis.
110 Cassius Gaskins.
111 Edwd. Williams.
112 Friday Bernard.
113 Peter Miller.
114 Frank Brooks.
115 Isaac Brown.
116 Isaac Walker.
117 Sandy Maybanks.
118 Forrey Andrews.
119 Quash Wigfall.
120 Ben. Holmes.
121 Henry Williams.
122 Isaac Jenkins.
123 Peter Campbell.
124 Alfred Gould.
125 Antony Green.
126 Harry Hardgraves.
127 Trim Middleton.
128 Cyrus Sams.
129 Austin Jones.
130 Scipio Payne.
131 John Williams.
132 Thomas White.
133 Wm. Brown.
134 Lewis Law.
135 Milligan Williams.
136 Julius Williams.
137 Crawford Williams.
138 Jackson Harden.
139 Joe Fogarty.
140 Henry Tatnall.

141 Peter Gaulden.
142 John Hardee.
143 Joe Farmer.
144 Thos. Luden.
145 Mike Singleton.
146 Brutus Butler.
147 George Smith.
148 Aleck Grant.
149 Wm. Jackson.
150 Morris Pray.
151 Wm. Wyatt,
152 Robt. Davis.
153 Isaac Forrester.
154 Romeo Mongin.
155 John Robertson.
156 Toby Cook.
157 Peter Ivens.
158 K. S. Thomas.
159 Toney Cooper.
160 Gilbert Thompson.
161 Jim Yonng.
162 Andrew Washington.
163 Manuel Green.
164 Joe Jackson.
165 Alfred Richmond.
166 Robt. Johnson.
167 Jack Green.
168 Stephen Roberts.
169 Oliver Johnson.
170 Marcus Hunter.
171 Adam Andrews.
172 Wm. George.
173 London Butler.
174 Charles Bailey.
175 Edmund Jones.
176 Shadwell Youmans.
177 Hector Floyd.
178 Tenny Morrell.
179 Peter Simons.
180 Larry Small.
181 Asa Spellman.
182 Stephen Parker.
183 Ben Aikens.
184 Ro't Haywood.
185 Cato Brown.
186 Ephraim Deas.
187 John Floyd.
188 Henderson Crawford.
189 Sam Bryan.
190 Jerry Fennel.
191 Andrew Washington.
192 Alfred Johnson.
193 John Lapere.
194 Jacob Saussey.
195 Tom Saussey.
196 Philip Williams.
197 Hamilton Thompson.
198 John Boston.
199 Ooster Gordon.
200 Henry Shig,
201 Lewis Bennett.
202 Chas. O. Fisher.
203 Richard Morton.
204 Jno. H. Deveaux.
205 Joe Bailey.
206 Henry Mongin.
207 Wm. Graham.
208 Harry Tatnall.
209 Geo. Young.
210 Jack Savage.
211 Robert Butler.
212 Robert Green.
213 Isaac Young.
214 Paul Graham.
215 James Thompson.
216 Jeffrey Smith.
217 John Pauleen.
218 Stephen Sheppard.
219 Claiborne Butler.
220 Pero Grant.
221 Jim Lawrence.
222 Gabriel Wade.
223 Jordon Johnson.
224 Adam Berrien.
225 Jack Jones.
226 Sam. Robertson.
227 David Teson.
228 Mingo McQueen.
229 Frank Sargent.
230 Richard Jenkins.
231 Isaac Campbell.
232 David Ingram.
233 John Seabrooks.
234 Sim Jeffers.
235 John Hall.
236 Robert Hanley.
237 Samuel Love.
238 Frank Minus.
239 Nathan Nasworthy.
240 Hamilton Butler.
241 Cato Pray.
242 Geo. Richardson.
243 Moses King.
244 John Sam'l Conoway.
245 Peter Houston.
246 July Hinton.
247 Cæsar Frayer.
248 Cato Law.
249 Ben. Williams.
250 Jim Stephens.
251 Allan Johnson.
252 July Felt.
253 A. A. Bradley.

ISLE OF HOPE, *Chatham Co., Nov.* 5, 1872.

I do certify that the above is a true list of voters who voted at said election.

(S'g'd) JOHN H. DEVAUX,

(Indorsed :)

SAVANNAH, GA., *Nov.* 8, 1872.

We do hereby certify that the within is a true copy of list of voters at the above precinct deposited this day with the clerk of the superior court, Chatham Co., also of those sent the hon. secretary of state, and the governor of the State.

WM. CANTWELL.
JAMES PORTER.
JOHN H. DAVEAUX.
ISAAC BECKETT.
THEO. BASCH.
ISAAC SEELEY.

EXHIBIT H.

Tally sheet kept at Isle of Hope for the fifth and sixth districts, in and for the county of Chatham, in the State of Georgia, at the election held on Tuesday, the fifth day of November, in the year of our Lord one thousand eight hundred and seventy-two, for a member of Congress for the first congressional district of Georgia, and for eleven electors to cast the vote of the State of Georgia for a President of the United States of America

FOR CONGRESS:

Andrew Sloan, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v iii—Two hundred and fifty-three.

Morgan Rawls, none.

FOR PRESIDENTIAL ELECTORS:

Amos T. Akerman, v v v v v v v v v v v v v v v v v v v v v v v v v v v v vvvvvvvv vvv vv vv vvv vvv v iii—Two hundred and fifty-three.

Benjamin Conley, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v iii—Two hundred and fifty-three.

Amherst W. Stone, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v iii—Two hundred and fifty-three.

Joel Johnson, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v iii—Two hundred and fifty-three.

W. B. Jones, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v iii—Two hundred and fifty-three.

W. W. Merrill, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v iii—Two hundred and fifty-three.

Joel R. Griffin, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v iii—Two hundred and fifty-three.

John F. Shine, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v iii—Two hundred and fifty-three.

C. D. Forsyth, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v iii—Two hundred and fifty-three.
George S. Fisher, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v iii—Two hundred and fifty-three.
C. A. Ellington, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v iii—Two hundred and fifty-three.

W. T. Wofford,	none.
H. L Benning,	"
Julian Hartridge,	"
Washington Poe.	"
G. H. Turner,	"
R. N. Ely,	"
W. J. Hudson,	"
James M. Pace,	"
N. R. Casey,	"
J. N. Dorsey,	"
E. D. Graham,	"
Permedas Reynolds,	"
Walter H. Weems,	"
M. L. Mershon,	"
T. L. Guerry,	"
John H. Woodward,	"
Henry Persons,	"
Geo. M. McDowell,	"
H. J. Bates,	"
Alexander S. Atkinson,	"
Miles W. Lewis,	"
G. M. Netherland,	"

STATE OF GEORGIA,
Chatham County :

We, the undersigned, managers and clerks at an election held this day, at the Isle of Hope, for the fifth and sixth districts G. M., in the county aforesaid, at which was voted for presidential electors for the State of Georgia, and a Representative to the Forty-third Congress of the United States to represent the first congressional district of Georgia therein, do certify that the foregoing is a true and correct tally-sheet of the votes cast at said election.

Given under our hands and official signatures this the fifth day of November, 1872.

(S'g'd) KING S. THOMAS, *J. P.*,
" LEWIS BENNETT, *Freeholder*,
" his JOSEPH + SNEED, *Freeholder*,
mark.
Superintendents.

(S'g'd) JOHN H. DEVEAUX,
" CHA'S O. FISHER,
" ISAAC BECKETT,
Clerks.

(Indorsed :)

SAVANNAH, GA., *Nov. 8th*, 1872.

We do hereby certify that the within is a true copy of tally-sheet deposited this day with the clerk of the superior court of Chatham County,

also of those sent the hon. secretary of state and the governor the State.

W'M CANTWELL.
JAMES PORTER.
JOHN H. DEVEAUX.
ISAAC BECKETT.
THEO. BASCH.
ISAAC SEELEY.

EXHIBIT I.

STATE OF GEORGIA, *Chatham County:*

Consolidated returns of votes polled in Chatham County, State of Georgia, at an election held in said county, on Tuesday, the fifth day of November, A. D. 1872, for presidential electors for the State of Georgia, and for a member of Congress to represent the first congressional district of Georgia in the Forty-third Congress of the United States.

The following was the vote polled:

	Isle of Hope precinct, 5th & 6th district, G. M.	Chapman's House precinct, seventh district, G. M.	Cherokee Hill precinct, eighth district, G. M.	Total vote.
MEMBER OF CONGRESS.				
Morgan Rawls	.....	2	.....	2
Andrew Sloan	253	600	386	1,239
PRESIDENTIAL ELECTORS.				
E. D. Graham	.....	2	.....	2
J. N. Dorsey	.....	2	.....	2
H. R. Casey	.....	2	.....	2
J. M. Pace	.....	2	.....	2
W. I. Hudson	.....	2	.....	2
R. N. Ely	.....	2	.....	2
H. G. Turner	.....	2	.....	2
Julian Hartridge	.....	2	.....	2
H. L. Benning	.....	2	.....	2
Washington Poe	.....	2	.....	2
W. T. Wofford	.....	2	.....	2
C. A. Ellington	253	600	386	1,239
Geo. S. Fisher	253	600	386	1,239
C. D. Forsyth	253	600	386	1,239
John F. Shine	253	600	386	1,239
Joel R. Griffin	253	600	386	1,239
W. W. Merril	253	600	386	1,239
W. P. Jones	253	600	386	1,239
Joel Johnson	253	600	386	1,239
Amherst W. Stone	253	600	386	1,239
Benjamin Conley	253	600	386	1,239
Amos T. Akerman	253	600	386	1,239

GEORGIA, *Chatham County:*

We, the undersigned justices of the peace and freeholders presiding at the election held November the fifth, 1872, at the precincts of Isle of Hope, fifth and sixth districts, G. M., Chapman's House, seventh district, G. M., and Cherokee Hill, the eighth district, G. M., in the county

of Chatham, State of Georgia, do hereby certify that within the time prescribed by law, to wit, on the sixth day of November, A. D. 1872, prior to twelve o'clock noon, we presented at the court-house of the county of Chatham, State of Georgia, the returns, tally-sheets, list of voters, and the ballots cast, all properly certified to and sealed as required by law of the several precincts at which we presided. That the above consolidated returns is a correct return of the consolidation of the said precincts' returns of the result of the election held November fifth, A. D. 1872, in the said several election precincts of Chatham County. And we do further certify that the election held at these said several precincts, were conducted in accordance to law as regards the time of opening and closing of the polls and in all other respects.

(Signed) KING S. THOMAS,
" LEWIS J. MOODY,
Justices of the Peace.
(Signed) JOHN A. STALEY,
" DEPINE C. RICE,
(Signed) ISAAC SEELEY,
" LEWIS BENNETT,
" JAMES PORTER,
" AVERY SMITH,
Freeholders.

(Indorsed :)

SAVANNAH, GA., *Nov. 5th*, 1872.

We do hereby certify that the within is a true copy of the returns deposited this day with the clerk of the superior court of Chatham County; also of those sent the hon. secretary of state and the governor of the State.

W'M CANTWELL.
JAMES PORTER.
THEO. BASCH.
JNO. J. NEWTON.
JOHN H. DEVEAUX.
ISAAC SEELEY.

EXHIBIT K.

STATE OF GEORGIA, }
Chatham County. }

All and each of us do swear that we will faithfully superintend this day's election; that we are a justice of the peace and freeholders of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor knowingly prohibit any one from voting who is so entitled by law, and will not divulge for whom any votes was cast unless called on under the law so to do. So help me God.

Then appeared Mr Lepine C. Rice and Mr. James Porter, who are freeholders; who sworn to and subscribed before me this 5th day of November, 1872.

(Signed) LEWIS J. MOODY,
Justice of the Peace.

Then appeared Lewis J. Moody, esq'r, a justice of the peace, who swore to and subscribed before me this the sixth day of November, 1872.

(Signed) JAMES PORTER,
Freeholder.

STATE OF GEORGIA, }
Chatham County. }

By virtue of the statute in such cases made and provided, an election was held on the fifth day of November, 1872, at Chapman's house, for the 7th district, G. M., in the county of Chatham, for presidential electors and for a member of the Forty-third Congress of the United States, to represent the third congressional district, in the United States Congress, and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result.

Number of votes polled, six hundred and two.

Candidates for presidential electors.

Amos T. Akerman	received	six hundred,	(600.)
Benjamin Conly	do	six hundred,	(600.)
Amherst W. Stone	do	six hundred,	(600.)
Joel Johnson	do	six hundred,	(600.)
W'm W. Merrell	do	six hundred,	(600.)
Joel R. Griffin	do	six hundred,	(600.)
John F. Shine	do	six hundred,	(600.)
Cornelius D. Forsyth	do	six hundred,	(600.)
George S. Fisher	do	six hundred,	(600.)
Cooke A. Ellington	do	six hundred,	(600.)
W'm B. Jones	do	six hundred,	(600.)
W. T. Wofford	do	two,	(2.)
H. L. Benning	do	two,	(2.)
Julian Hartridge	do	two,	(2.)
Washington Poe	do	two,	(2.)
H. G. Turner	do	two,	(2.)
R. N. Ely	do	two,	(2.)
W. I. Hudson	do	two,	(2.)
James M. Pace	do	two,	(2.)
N. R. Casey	do	two,	(2.)
L N. Dorsey	do	two,	(2.)
E. D. Graham	do	two,	(2.)
Parmedus Reynolds	do	none.	
Walter H. Weems	do	"	
M. L. Mershon	do	"	
T. L. Guerry	do	"	
John H. Woodward	do	"	
Henry Parsons	do	"	
Geo. M. Dowell	do	"	
H. G. Bates	do	"	
Alex. S. Atkinson	do	"	
Miles W. Lewis	do	"	
G. M. Netherland	do	"	

Names of candidates for representatives in the 43d Congress of the United States.

Number of votes polled, six hundred and two.

Andrew Sloan received six hundred, (600.)
Morgan Rawls received two, (2.)

Which will fully appear by reference to the enclosed lists of voters and tally sheets.

Given under our hands and official signatures this fifth day of November, 1872.

(Signed) LEPINE C. RICE,
Freeholder.

" JAMES PORTER,
Freeholder.

" LEWIS J. MOODY,
Justice of the Peace.

(Signed) C. F. CHAPMAN,

" HENRY BIEBER,
U. S. Supervisors.

(Indorsed:)

SAVANNAH, GA., *Nov 8th*, 1872.

We do hereby certify that the within is a true copy of the returns deposited this day with the clerk of superior court of Chatham County, also, those sent the honorable secretary of state and governor of the State.

W'M CANTWELL.
JAMES PORTER.
THEO. BASCH.
JNO. J. NEWTON.
JOHN H. DEVEAUX.
ISAAC SEELEY.

(Copy.)

EXHIBIT L.

A list of voters who voted at an election on the 5th day of November, A. D. 1872, at Chapman's house, 7th district G. M., Chatham County, Georgia, for presidential electors, and a representative in the 43d Congress of the U. S.

1 W'm Cantwell.
2 James Porter.
3 Jake Grant.
4 Mengo Broughton.
5 Cha's Banks.
6 John Levinston.
7 Joshua Shellman.
8 Mack Fields.
9 James Ferguson.
10 Emanuel Herdt.
11 Morriss Miller
12 Ben. Prior.
13 Henry Beeber.
14 Jacob Sheppard.
15 W'm Brown.
16 Louis Houston.
17 Cullens Larry.
18 Carolina Young.
19 Major Fed.
20 Daniel Prior.
21 March Carless.
22 Andrew Hunt.

23 Stephen Spaulding.
24 Prince Dillon.
25 Thomas Arkwright.
26 Abram Brown.
27 Adam Reese.
28 Lucien Footman.
29 Prince Grant.
30 Jack Keene.
31 Ned Wade.
32 Anthony Dickerson.
33 Samson Regular.
34 Cyrus Butler.
35 Amos Legree.
36 James Brown.
37 Captain Holmes.
38 Dick Goodwin.
39 Sambo Gray.
40 Hector Broughton.
41 Charles Martin.
42 Cæser Keene.
43 Sampson O'Niel.
44 Abram Hartin.
45 William Johnson.
46 Titus Mitchell.
47 Abel J. Beatty.
48 W'm Grant.
49 Sam. Crawford.
50 Jacob Stykes.
51 Thomas Gadsen.
52 Mike Brown.
53 Elisha Baker.
54 John Parker.
55 Pharo Taylor.
56 London Loman.
57 Melcha Hampton.
58 William Jackson.
59 Elias Tellman.
60 Jake Simmons.
1 John Bowls.
2 Primus Gadsen.
3 Boston Fortman.
4 Cuffee Butler.
5 Dash Butler.
6 Prince Niel.
7 Toby Taylor.
8 James Ely.
9 March Swinton.
70 Major Anderson.
1 Simon Logan.
2 Tony Hamilton.
73 W'm Bowen.
4 Philip Frazier.
5 Ezekiel Anderson.
6 Frank Gladden.
7 Francis Singleton.
8 John Shellman.
9 Thomas Jefferson.
80 Echart Brown.
1 David Stevens.
2 Limus Green.
3 Peter Blake.
4 Thomas Singleton.
5 Zachariah Preston.
6 Jacob Taylor.
7 Chance Flood.
8 Cato Williams.
9 Pastime Mercherson.
90 Ephrian Johnson.
1 Tony Wilson.
2 Gerry Jones.
3 Richard Taylor.
4 John Johnson.
5 Tony Butler.
6 Amos Blake.
7 Abram King.
8 John Bruce.
9 Howell Glenn.
100 Hector Jammon.
101 Nat. Shellman.
2 Isaac Preston.
3 Neverson Barnhardt.
4 James B. Washington.
5 July Stevens.
6 James Green.
7 James Semmons.
8 Abram Davis.
9 George Breed.
110 Dick Miller.
11 Cyrus Green.
12 Carolina Ely.
13 Jason Brown.
14 Ned Taylor.
15 David Green.
16 Tom. Glover.
17 Joseph Young.
18 Henry Jefferson.
19 Captain Green.
120 Brister Jones.
1 Norris Weston.
2 Peter Singleton.
3 Israel Burrows.
4 Cudjo Hamilton.
5 Isham Boston.
6 Oliver Baily.
7 Echart Holmes.
128 Shadwell Bay.
9 Cæsar Graham.
130 Stephen Jackson.
1 Edmund Ford.
2 Abram Golding.
3 Harry Conyer.
4 Abram Jinkins.

5 Lazerus Paris.
6 Frank Jefferson.
7 James Young.
8 W'm Bowles.
9 Paris Singleton.
140 Peter Smith.
1 Whitelaw Ladsen.
2 Stephen Rowe.
3 Robert Spencer.
4 Robert Craig.
5 John Huyward.
6 David Williams.
7 Cuffee Wallace.
8 Billman Campbell.
9 Joseph Middleton.
150 Robert Sharp.
1 Frank Miller.
2 Toby Bee.
3 Israel Davis.
4 Stephen White.
155 S. W. Reed.
6 P. Kelly.
7 Benjamin Williams.
8 Sandy Stowers.
9 Major Shaw.
160 Theo. Basch.
1 Knowledge Jones.
2 Tenny Jones.
3 Joe Grant.
4 Louis J. Moody.
5 Tony Robinson.
6 Toby Roberts.
7 Fortune Watson.
8 Robert Ancrum.
9 Cæsar Roberson.
170 Ephriam Johnson.
1 Sam. Bryan.
2 Nero Showard.
3 James Young.
4 Tom. Jefferson.
5 London O'Niel.
6 Frank Shaw.
7 Adam Young.
8 Moses Shivers.
9 Peter Murkle.
180 Sampson Washington.
1 James Dorsey.
2 Peter Sheppard.
183 Landro Middleton.
4 Abram Queen.
5 John Bryan.
6 William Houston.
7 Dick Hamilton.
8 David Brown.
9 Gazaar Johnson.
190 Quash Gadren.
1 Sam. Hambleton.
2 Sam. Chesholm.
3 Jacob Reed.
4 Harry Strateland.
5 John Green.
6 Admiral Edwards.
7 Y. Houston.
8 James Grant.
9 Jim. Brown.
200 George Miller.
1 Cyrus Ancrum.
2 Isaiah Holmes.
3 Jonas Davis.
4 Jonas Roberts.
5 Abram Frazier.
6 Sam. Ludsen.
7 Abram Butler.
8 Lee Bryan.
9 Rufe Sheppard.
210 Leon Brown.
211 Benter Pinckny.
12 Sam. Haywood.
13 Sam. Black.
14 Joshua C. Legree.
15 Amos Wiston.
16 Cha's Maxwell.
17 Handy Higgins.
18 John S. Dunham.
19 Jessee Sheppard.
220 Renty Holmes.
1 T. Grant.
2 John Millen.
3 Knapp Maxwell.
4 Ned Young, s'r.
5 Tom. Bowles.
6 John Cuthbert.
7 William White.
8 Henry Flood.
9 Morris Burke.
230 James Johnson.
1 J. M. Johnson.
2 Aaron Baker.
3 Abram Wilson.
4 Sawney Gordon.
5 McLeod King.
6 Jacob Shifford.
7 Andrew Jackson.
8 Jackson Lawrence.
9 Samuel Baker.
240 Elias Haywood.
1 Butler Bradley.
2 Cuffee Habersham.
3 Harry Stewart.
4 Amos Young.
5 Hector Washington.
6 George Berrien.

7 Sire Gibbons.
8 Charles Holmes.
9 Smart Williams.
250 Marlbro Fabien.
1 Peter Bryan.
2 Robert Butler.
3 Gabriel Ancrum.
4 Richard Jones.
5 Abram Gaddis.
6 John Coleman.
7 C. T. Chapman.
8 Phillip Butler.
9 Aaron Waldburgh.
260 Cæsar Weston.
61 Sam. Howard.
62 Miles Perry.
63 Henry Banks, (sworn.)
64 Harclas Barnard.
65 Carolina Norman.
66 Charles Burke.
267 Paul Banks.
8 Jack Davis.
9 John Tole.
270 Joe Handy.
1 Scipeo Brown.
2 J. Doings.
3 G. L. Bowen.
4 Scipeo Roberts.
5 Paul Brown.
6 C. C. Walddaugh.
7 General Pinckny, (sworn.)
8 Jeffry Pinkney.
9 Thomas Stewart.
280 David McPherson.
1 Charles Singleton.
2 L. Campbell.
3 Sam. Clark.
4 Charles Bennett.
5 Tony Styles.
6 Billy Williams.
7 George Powell.
8 Thomas Butler.
9 James L. B. Grant.
290 Ephriam Charlton.
1 Joe Thompson.
2 Friday Habersham.
3 Will Williams.
4 Charles Stronge.
295 Aaron Mitchell.
6 Dublin Wright.
7 Marcus Charlton.
8 Ned Wyly.
9 Jim. Keller.
300 London Williams.
1 Morris Jones.
2 Quaqua Small.
3 Primus Baker.
4 Boney Forrest.
5 Jack Cuthbert.
6 Judge Hopkins.
7 Sady Shellman.
8 Med. Williams.
9 Nero Williams.
310 Adam Cuthbert.
11 Brister Cuthbeth.
12 Scipeo Davenport.
13 Jesse Gold.
14 James Golding.
15 Dick Washington.
16 Joe. Bunyan.
17 Cicero Johnson.
18 Frank Bird.
19 Gallishaw Brown.
320 Ben Goshen.
1 Munro Durden.
2 W'm Preylor.
323 George Brown.
4 Neptune Bowen.
5 Captain Hamilton.
6 Jerry Stiles.
7 Isaac Wiggs.
8 Roben Davis.
9 Elija' Jones.
330 David Spaulding.
1 Charles Hire.
2 Ben. Bacon.
3 Mack. Jackson.
4 Giles Jones.
5 Morris Jones.
6 Jacob Grant.
7 Louis Jackson.
8 John Roberson.
9 Tony Austin.
340 Sam. Graham.
1 James Ralluby.
2 Alex Grant.
3 Barrak Baker.
4 Winter Warner.
5 Antony Butler.
6 John Shigg.
7 Richard Jones.
8 Harry Blake.
9 Geo. Bunyan.
350 Billy Williams.
351 Thomas Shellman.
2 Achilles Barnard.
3 Marcus Jones.
4 Charles Miller.
5 J. Jones.
6 Dick Lachlison.
7 Jack Floyd.
8 Peter Brown.

9 Alex. Beaty.
360 Leander Brown.
1 Stephen Ramsey.
2 January Moore.
3 Benjamin Hazzard.
4 May Ulmer.
5 William Fleming.
6 Sam. Burney.
7 Paul McKnight.
8 Moses White.
9 Harvy Brinson.
370 George Hazzard.
1 W'm Cuthbert.
2 London Jenkins.
3 Andrew Harden.
4 I. L. Shellman.
5 Sawney King.
6 William Manigo.
7 J. A. Glenn.
8 Richard Crawford.
379 Parlo Blunt.
380 James Monroe.
1 Sandy Brown.
2 August Hannond.
3 Isaac Thompson.
4 Barin Butler.
5 Geo. Stiles, (sworn.)
6 Jacob Brown.
7 Andrew O'Neil.
8 Alex. Grant.
9 Sannuil Gray.
390 Prince Niles.
1 Peter Smith.
2 Abram Stevens.
3 Ned Swanson.
4 John Coleman, 3.
5 Jack Rivers.
6 Jacob Ancrum.
7 Tully Handy.
8 Morris Floyd.
9 Toby Bryant.
400 Tom. Small.
1 Nat. Wright.
2 Prince Wright.
3 John Smith.
4 Washington Houston.
5 Benjamin Miller.
6 Plenty Ancrum.
407 Jacob Shellman.
8 John Fields.
9 Isaac Golding.
410 Jacob Harden.
11 Billy S. Williams.
12 Dand McNeil.
13 Ned Niles.
14 Saulsbury E. Barnard.
15 Solomon Hamilton.
16 Cyrus Hardin.
17 W'm Grant.
18 E. Bob Wallace.
19 W'm Black.
420 Geo. Duke.
1 Mose Mitchell.
2 Daniel Roberts.
3 Aaron Barnard.
4 Mack. Bradley.
5 Moses Arkwright.
6 Josewh Wright.
7 Joseph Harvey.
8 John Adams.
9 Prince Warner.
430 Henry Thompson.
1 Paul Gray.
2 George Wilson.
3 William Wright.
4 Eseau Collington.
435 James Gailey.
6 Mack Wilson.
7 Cyrus Sheppard.
8 Tom. Smith.
9 John Campbell.
440 Morris Jackson.
1 Peter Gary.
2 Nero. Habersham.
3 John Shiggs.
4 Ansly Cuthbert.
5 Moses Daniel.
6 Butler Brinson.
7 Washington Gannoway.
8 Peter Brown.
9 John Webb.
450 H. Myrell.
1 Ben. Gordon.
2 Peter Blake.
3 Prince Warner.
4 Cyrus S. Shellman.
5 W'm Fuld.
6 Cha's Brown.
7 John Brown.
8 Knowledge Williams.
9 Clad Devaux.
460 Sam. Clagg.
1 Squire Jones.
462 Jack Williams.
3 James Butler.
4 Aaron Waldburgh.
5 Sam. Johnson.
6 Elias Haywood.
7 Sam. Jones.
8 W'm Norman.
9 Tom. Kelly.
470 Aaron Brown.

1 Richard Brown.
2 Adam Small.
3 Chance Grant.
4 David Evans.
5 Bill Cusperd.
6 John Jones.
7 John Brown, j'r.
8 John Maxwell.
9 Peter Maxwell.
480 Peter James.
1 Cæsar Small.
2 June Baker.
3 Geo. Wilson, j'r.
4 John Harrisson.
5 Jimmy Jones.
6 Charles Malden.
7 Melkin Hamilton.
8 John Williams.
9 Tom. Stephens.
490 Abram Eddy.
1 James Kelly.
2 Sam. Lee.
3 John Shingleton.
4 Isaac Brown.
5 Frank Blair.
6 John Harrison, j'r.
7 Joe. Chapman.
8 John Logans.
9 Levi Sullivan.
500 John Small.
1 Dick Kellog.
2 Tom. Harris.
3 Sam. Crawford, j'r.
4 Armstrong Small.
5 John Davis.
6 Edw. Brown.
7 John Small.
8 Dick Bryan.
9 Adam Ford.
510 Kirby Morrell.
11 Joseph Washington.
12 John Frazier.
13 Paul Beasley.
14 Collin Sheppard.
15 Samuel Norman.
16 Frank Grant.
17 Abram Dorsey.
18 Sam Pappy.
519 Dick Floyd.
520 Adam Small.
1 Dan. Sherman.
2 Adam Morrisson.
3 Tom. Clemmons.
4 Jim. Kengie.
5 Ben. Middleton.
6 James Small.
7 Morris James.
8 John Gray.
9 Geo. Burnside.
530 James Morrill.
1 Will. Shellman.
2 Flanders Bradly.
3 W'm Millen.
4 Simon Williams.
5 Nero Fumick.
6 Simon Scudder.
7 Isham Charlton.
8 W'm Hicks.
9 Wilson Charlton.
540 George Butler.
1 May Bird.
2 David Stevens.
3 Cuffee Williams.
4 Archie Gordon.
5 Tius Green.
6 W'm Moore.
7 John Robinson.
548 Sam'l Green.
49 Bozy Hays.
550 Richard Norman.
1 Glen Johnson.
2 Sanco Blood.
3 Bob Harris.
4 Seymour Moseby.
5 John Brown, No. 3.
6 Robert White.
7 John Baker.
8 Louis Delaven.
9 Abram Queen.
560 Joe. Green.
1 John Williams.
2 Anthony Jones.
3 James Johnson.
4 B. C. White.
5 Esquire Johnson.
6 R. B. Smith.
7 W'm Riley.
8 Monday Baker.
9 John Wilson.
570 James Shrowder.
1 Robert Patterson.
2 Barkus Williams.
3 Loudon Houston.
4 March Hayward.
5 Geo. Haywood.
576 Will. Wearing.
7 Geo. Holden.
8 John Campbell.
9 Andrew Stiger.
580 Joe. Gordon.
1 Paul Smith.
2 Henry Allen.

3 John Johnson.
4 Patrick Keno.
5 Tom. Wilson.
6 Peter Habersham.
7 Paul Jones.
8 Jack Preston.
9 Jim Bolan.
590 Tom Weston.
1 Sam. Brown.
2 Isaac Lach.
3 Peter McKnight.
4 John Bullen.
5 Ashly Grant.
6 Tom. Henderson.
7 Elias Dunham.
8 Elias Howard.
9 Tom. Bowles.
600 John Roberson, No. 2.
1 Adam Young.
2 Cha's Lee.
3 L. C. Rice.

STATE OF GEORGIA,
Chatham County :

We, the clerks at an election held as aforesaid, do certify that the foregoing list is a correct list of voters who voted at said election.

Nov. 5th, 1872.

(Signed) THO'S BASCH, *Clerks.*
" W'M CANTWELL, "
" CHARLES LEE, "

Correct.

(Signed) HENRY BEEBER,
C. T. CHAPMAN,
U. S. Supervisors.

SAVANNAH, GA., *Nov.* 8, 1872.

We do hereby certify that the within is a true copy of the list of voters of the above precinct deposited this day with the clerk of the superior court of Chatham County, also of those sent to the Hon. secretary of state and governor of the State of Georgia.

THEO. BASCH.
W'M CANTWELL.
JAMES PORTER.
JNO. J. NEWTON.
JOHN H. DEVAUX.
ISAAC SEELEY.

EXHIBIT M.

Tally-sheet kept at Chapman's house for the 7th district G. M., in and for the county of Chatham, State of Georgia, at the election held on Tuesday, the fifth day of November, in the year of our Lord one thousand eight hundred and seventy-two, for a member of Congress for the first congressional district of Georgia and for eleven electors to cast the vote of Georgia for a President and a Vice-President of the United States of America.

FOR CONGRESS.

Andrew Sloan, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v—600.
Morgan Rawls, ii—2.

PRESIDENTIAL ELECTORS.

Amos T. Akerman, v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v v—600.

Benjamin Conley, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
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v v v v v v v v v v v v v—600.

Amherst W. Stone, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
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v v v v v v v v v v v v v v—600.

Joel Johnson, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v—600.

W. B. Jones, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
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v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v—600.

W. W. Merrill, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v—600.

Joel R. Griffin, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
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v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v—600.

John F. Shine, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
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v v v v v v v v v—600.

C. D. Forsyth, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
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v v v v v v v v v—600.

George S. Fisher, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
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v v v v v v v v v v v—600.

C. A. Ellington, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v—600.

W. T. Wofford, ii—2.
H. L. Benning, ii—2.
Julian Hartridge, ii—2.
Washington Poe, ii—2.
H. G. Turner, ii—2.
R. N. Ely ii—2.
W. I. Hudson, ii—2.
James M. Pace, ii—2.
N. R. Casey, ii—2.
J. N. Dorsey, ii—2.

E. D. Graham, ii—2.
Permedius Reynolds, 0.
Walter H. Weems, 0.
L. S. Mershon, 0.
T. S. Guerry, 0.
John H. Woodward, 0.
Henry Persons, 0.
George M. McDowell, 0.
H. I. Bates, 0.
Alexander S. Atkinson, 0.
Miles W. Lewis, 0.
G. M. Netherland, 0.

STATE OF GEORGIA, *Chatham County:*

We, the undersigned, managers and clerks, at an election held this day at Chapman's house, for the seventh district G. M., in the county aforesaid, at which was voted for presidential electors for the State of Georgia and a Representative to the Forty-third Congress of the United States to represent the first congressional district of Georgia therein, do certify that the foregoing is a true and correct tally-sheet of the votes cast at said election.

Given under our hands and official signatures this the fifth day of November, A. D. 1872.

(Signed) LEWIS J. MOODY, *Justice of the Peace,*
(Signed) LEPINE C. RICE, *Freeholder,*
(Signed) JAMES PORTER, *Freeholder,*
Superintendents.

(Signed) THEO. BASCH,
(Signed) W'M CANTWELL,
(Signed) CHARLES LEE,
Clerks.

We, the supervisors, appointed by the circuit court, certify that the above is a correct tally-sheet.

(Signed) HENRY BREBER,
C. T. CHAPMAN,
U. S. Supervisors.

SAVANNAH, GA., *Nov. 8th,* 1872.

We do hereby certify that the within is a true copy of the tally-sheet deposited this day with the clerk of superior court of Chatham County, also of those sent to the hon. secretary of state and the governor of the State.

WM. CANTWELL.
JAMES PORTER.
THEO. BASCH,
JNO. J. NEWTON.
JOHN H. DEVEAUX.
ISAAC SEELEY.

EXHIBIT N.—*Precinct returns.*

STATE OF GEORGIA,
Chatham County:

All and each of us do swear that we will faithfully superintend this day's election, that we are freeholders of the county, that we will make

a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so, according to the laws of this State. Nor knowingly prohibit any one from voting who is so entitled by law, and will not divulge for whom any vote was cast, unless called on under the law so to do: so help me God.

Then appeared Mr. Isaac Seely and Mr. Avery Smith, who are freeholders, and swore to and subscribed this the 5th day of November, 1872.

(Signed) JOHN A. STALEY, *Freeholder.*
" ISAAC SEELY, *Freeholder.*
" AVERY SMITH, *Freeholder.*

Then appeared Mr. John A. Staley, a freeholder, and sworn to and subscribed this 5th day of November, 1872.

(Signed) JOHN A. STALEY, *Freeholder.*
" ISAAC SEELY, *Freeholder.*
" AVERY SMITH, *Freeholder.*

STATE OF GEORGIA,
Chatham County:

By virtue of the statu'e in such cases made and provided, an election was held on the fifth day of November, 1872, at Cherokee Hill, for the 8th district G. M., in the county of Chatham, for presidential electors, and for a member of the Forty-third Congress of the United States, to represent the first congressional district of Georgia in the House of Representatives of the United States Congress, and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result.

(Signed) JOHN A. STALEY, *Freeholder.*
" ISAAC SEELY, *Freeholder.*
" AVERY SMITH, *Freeholder.*

Names of candidates for presidential electors.

Number of votes polled, (386.)

Amos T. Akernan	received	386	ballots.
Benjamin Conly	"	386	"
Amherst W. Stone	"	386	"
Joel Johnson	"	386	"
W. B. Jones	"	386	"
W. W. Merrill	"	386	"
Joel F. Griffin	"	386	"
John F. Shine	"	386	"
C. D. Forsyth	"	386	"
George S. Fisher	"	386	"
C. A. Ellington	"	386	"
W. T. Wofford	"	no	"
H. L. Bunning	"	no	"
Julian Hartridge	"	no	"
Washington Poe	"	no	"
G. H. Turner	"	no	"
R. N. Ely	"	no	"
W. J. Hudson	"	no	"
James M. Pace	"	no	"
N. R. Casey	"	no	"

J. N. Dorsey	received	no	ballots.
E. D. Graham	"	no	"
Permudes Reynolds	"	no	"
Walter H. Weems	"	no	"
M. D. Mershon	"	no	"
T. L. Gurny	"	no	"
John H. Woodward	"	no	"
Henry Parsons	"	no	"
George M. McDowell	"	no	"
H. I. Bates	"	no	"
Alex. S. Atkinson	"	no	"
Miles M. Lewis	"	no	"
G. M. Netherland	"	no	"

Names of candidates for Representatives in the 43rd Congress of the United States.

Number of votes polled, 386.

Andrew Sloan	received	386	votes.
Morgan Rawls	"	no	"

Which will fully appear by reference to the enclosed lists of voters and tally-sheets. Given under our hands and official signatures this sixth day of November, 1872.

(Signed) JOHN A. STALEY, *Freeholder.*
" ISAAC SEELY, *Freeholder.*
" AVERY SMITH, *Freeholder.*

SAVANNAH, GA., *Nov. 8th*, 1872.

We do hereby certify that the within is a true copy of the returns deposited this day with the clerk of superior court of Chatham County; also of those sent the hon. secretary of state and the governor of the State.

W'M CANTWELL.
JAMES PORTER.
THEO. BASCH.
JNO. J. NEWTON.
JOHN H. DEVEAUX.
ISAAC SEELEY.

EXHIBIT O.

STATE OF GEORGIA, *Chatham County:*

A list of voters who voted at an election held at Cherokee Hill, in and for the 8th district, G. M., for presidential electors, and a Representative in the 43rd Congress of the United States.

1 Isaac Charlton.
2 Moses Graham.
3 Geo. Washington.
4 John Murchison.
5 Abram Hicks.
6 Wm. Miller.
7 Artemus Jones.
8 Sam. McLean.
9 Toney Williams.
10 Ceasar Johnson.
11 Rbt. Seabrook.
12 Wm. Howard.
13 Geo. Washington, 2d.
14 Thos. Grant

15 Aaron Green.
16 Sam'l Brown.
17 Harry Hollman.
18 June Hamilton.
19 January Gibbons.
20 Robert Glover.
21 Joshua Jackson.
22 Geo. Sawyer.
23 Titus Houston.
24 Ceasar Jones.
25 Moses Willis.
26 Geo. Sawyer, jr.
27 Geo. Roberts.
28 Frank Gordon.
29 Paul Williams.
30 Jno. Randolph.
31 Rich'd Young.
32 Philip Ferguson.
33 Jas. Simmons.
34 Frank Chrinnell.
35 Sam. Praylow.
36 Melrose Lonnon.
37 Moses Jackson.
38 Jos. Bright.
39 Frank Williams.
40 Jno. Jackson.
41 Thos. Pendergast.
42 Prince Albert.
43 Hector Gorris.
44 Reason Washington.
45 Cato Barnard.
46 Cook Little.
47 Benj. Hooker.
48 Daro Sairs.
49 Sandy Dixon.
50 Peter Warren.
51 Geo. Mitchell.
52 Brutus Verdier.
53 Frank Gilliland.
54 Wm. Green.
55 Fred. Jones.
56 April Williams.
57 Paul Chaplin.
58 Brazell King.
59 Andrew Thomas.
60 Frank Stephens.
61 Jos. Miller.
62 Jos. Rivers.
63 Alx. King.
64 Sam'l Houston.
65 Rich'd Colman.
66 Sandy Gold.
67 Jacob Hicks.
68 Green Pryor.
69 Abster Brown.
70 Sam'l Price.
71 Ch's Carr.
72 Jno. Green.
73 Tho's Simmons.
74 York Williams.
75 Jno. Fergurson.
76 Ric'd Grant.
77 Fred. Butler.
78 Andrew Ulmer.
79 David Washington.
80 Barkus Cuyler.
81 Douglass Mugin.
82 R'b't Williams.
83 Lewis Miller.
84 Paul Bolin.
85 Fred. Gillison.
86 Wm. Mack.
87 Henry Screven.
88 Wallace Williams.
89 Wm. Williams.
90 David Jordon.
91 Russell Johnson.
92 Geo. Green.
93 Jos. McDonald.
94 Boston Boyd.
95 Harry Brown.
96 Andrew Hare.
97 Crimon King.
98 Jackson Gadson.
99 Moses Allen.
100 Adam Neal.
101 Alx. Mack.
102 Alx. Black.
103 Sam'l Green.
104 Wm. Russell.
105 Edward Collins.
106 Edward Putman.
107 Carr Rodney.
108 Geo. Grant.
109 Bristow Campbell.
110 Geo. Brown.
111 Pompey Gates.
112 Hope Seabrook.
113 Guss Riley.
114 Edward McDonald.
115 Arter Judge.
116 Jefferson Lloyd.
117 Andrew Johnson.
118 Sam'l Small.
119 Boston Wright.
120 Toney Moore.
121 Green Wright.
122 Andy Dandy.
123 Emanuel Copers.
124 Jos. Neal.
125 Berry Winn.
126 Chance Macky.

127 Jno. Brown.
128 Harkless Houston.
129 Rob't Gordon.
130 Jno. Higgins.
131 Lafayette Jones.
132 Abram Taylor.
133 Rob't Knight.
134 Jackson Bush.
135 Chrs. Jackson.
136 Wm. Tison.
137 Adam Humes.
138 Otis Cutlass.
139 Stephen Mell.
140 Chance Ward.
141 Comodore Brown.
142 Jos. Polite.
143 Rich'd Screven.
144 Edward Houston.
145 Wade Mitchell.
146 Moses Tison.
147 Jos. Barley.
148 Moses Screven.
149 Bonny Reese.
150 Jno. Wylly.
151 York Mack.
152 Stephen Campbell.
153 Lewis Green.
154 Jos. Johnson.
155 Toney Williams.
156 Jas. Stewart.
157 Jesse Green.
158 York Williams, jr.
159 Simon Monroe.
160 Sam. Smith.
161 Winson Thomas.
162 Smart Butler.
163 Buck Robinson.
164 Major Middleton.
165 Sam'l Stephens.
166 Daniel Rawls.
167 Sandy Bizzard.
168 Sandy Bolin.
169 Wm. Wright.
170 Hector Dennis.
171 Taylor Tuylor.
172 Levi Baker.
173 Bembo Morel.
174 Abram Huddeau.
175 Jno. Thomas.
176 Liga Small.
177 Admiral Williams.
178 Frank Young.
179 Adam Rivers.
180 Peter Green.
181 Moses Wilson.
182 Hector Gilliard.
183 Edward Green.
184 Simon Edmonds.
185 Tho's Thompson.
186 Rob't Hulsey.
187 Turner Cox.
188 Toby Gibbs.
189 David Solomons.
190 Anthony Jackson.
191 Jack Williams.
192 Bing. Wright.
193 Handy Black.
194 Cuffee Smith.
195 Hamble Smith.
196 Rob't Mackey.
197 Simon Brown.
198 Augustus Richardson.
199 Jno. Mungin.
200 Washington Baker.
201 Wm. Morel.
202 Bush Hazzord.
203 Jacob Peer.
204 Levi Roberts.
205 Sandy Winn.
206 Henry Davis.
207 April Black.
208 Sam'l Black.
209 Hamilton Deveaux.
210 Jno. Cuthbert.
211 London Blaggess.
212 Poledo Sairs.
213 Smith Thompson.
214 W. D. Barefield.
215 Neidtlinger King.
216 Sam'l Green.
217 Jos. Dixon.
218 Success Grant.
219 Jno. Scott.
220 Samuel Stephens.
221 Levi Sullivan.
222 Jas. Bash.
223 Dublin Simmons.
224 Thos. Cuthbert.
225 Jos. Holmes.
226 Domo. McNeal.
227 Simons Barefield.
228 Geo. Washington 3.
229 Rob't Small.
230 Abram Brown.
231 Haywood Baker.
232 Jno. Morris.
233 Timothy Judge.
234 Mansfield Grantlin.
235 Jos. Lewis.
236 Jeffrey Lowns.
237 Abram Winfild.
238 Guss Robinson.

239 Crumprey Colman.
240 Moses Barifield.
241 Gibbons Cattle.
242 Jno. Graham.
243 Hardy Carswell.
244 Friday Frazier.
245 Brutus Grant.
246 David Small.
247 Rich'd Hornsby.
248 Jno. Parker.
249 Pompey Williams.
250 Sandy Long.
251 Mike Graturious.
252 Stepney Colman.
253 Wade Hamilton.
254 Daniel Smith.
255 January Small.
256 Jno. Robinson.
257 Jackson Stewart.
258 Jos. Butler.
259 Green Bucanhan.
260 Chrs. Adams.
261 Sampson Barnwell.
262 Isaac Habersham.
263 Washington Rutledge.
264 Emanuel Dailey.
265 Johnson Williams.
266 Benj. White.
267 Jno. Maxwell.
268 Jas. Phillips.
269 Jos. Seabrook.
270 Cornelius Hall.
271 Thos. Stephens.
272 Daniel Morell.
273 Anthony Gilliard.
274 J. T. Forguty.
275 Jos. Edwards.
276 Ceasar Parrish.
277 Jacob King.
278 Stephen Thompson.
279 Chrs. Berry.
280 C. H. Campbell.
281 Jesse Stephens.
282 J. A. Chisolm.
283 Edward Humes.
284 Jas. Davis.
285 Jerry Butler.
286 Isaac Seeley.
287 Avery Smith.
288 Wm. Wallace.
289 King Jackson.
290 Wm. Black.
291 Jas. Clark.
292 Emanuel Coper, jr.
293 Pharo Richards.
294 Jno. McGilfrey.
295 Hector Nelson.
296 Edward Delroach.
297 Jas. Morel.
298 Edward Gray.
299 March Talbot.
300 Chrs. Baker.
301 Jos. Jackson.
302 Lewis Hines.
303 Henry Roberts.
304 Bristow Cummings.
305 Paul Small.
306 Paul Simmons.
307 Joseph Williams.
308 Shadwell Well.
309 Handy Henry.
310 Pompey Small.
311 David Williams.
312 Abram Russell.
313 Chrs. Jackson.
314 Goliah Humes.
315 Chaplin Williams.
316 Enoch Stewart.
317 Curtis Habersham.
318 January Westbery.
319 Pompey Gates.
320 Rowland Green.
321 Hector Small.
322 King Garvis.
323 Geo. Mathews.
324 Scott Stewart.
325 Simon Giles.
326 Wm. Mitchell.
327 Benj. Thomas.
328 Ceasar Grant.
329 R. Steele.
330 Squire Bacon.
331 Harkless Simmons.
332 White Russell.
333 Simmons Price.
334 Cato Cuthbert.
335 Frank Montgomery.
336 Jno. Jess.
337 Jacob Anderson.
338 Jno. Habersham.
339 Geo. Houston.
340 Thos. Simmons, jr.
341 Rich'd Butler.
342 Simon Cuthbert.
343 Isaac Johnson.
344 Stephen Cuthbert.
345 Jos. Gates.
346 Sam'l Jenkins.
347 W. Anderson.
348 Benj. Daniels.
349 Rufus Habersham.
350 Thos. Wilson.

351 Peter Bryan.
352 Henry Smith.
353 Moses Jackson.
354 Morris Smith.
355 Ned Walker.
356 Jas. Campfield.
357 Bob Owens.
358 Nelson Anderson.
359 Esau Munford.
360 Cornelius Berrien.
361 Joseph Lovett.
362 Rich'd Bowen.
363 July Miller.
364 Hector Jackson.
365 Tom Bowens.
366 Sampson Jordan.
367 Jos. Watson.
368 Smart Glover.
369 Israel Neal.
370 Anderson Price.
371 Jno. Cooper.
372 Cipio Houston.
373 Jonas Lee.
374 March Houston.
375 Wm. Jackson.
376 July Purchase.
377 Cornelius Johnson.
378 Stephen Small.
379 Gabriel Ned.
380 Aberdeen Russell.
381 Solomon Russell.
382 J. J. Newton.
383 E. G. Pollard.
384 W. T. Bingham.
385 Jno. Riley.
386 Cyrus Bristow.

(Signed) JNO. A. STALEY, *Freeholder.*
ISAAC SEELY, "
AVERY SMITH, "

SAVANNAH, GA., *Nov. 8th*, 1872.

We do hereby certify that the within is a true copy of the list of voters of the above precinct deposited this day with the clerk of the superior court of Chatham County; also of those sent the hon. secretary of state, and the governor of the State.

JNO. J. NEWTON.
WM. CANTWELL.
JAMES PORTER.
THEO. BASCH.
JOHN H. DEVEAUX.
ISAAC SEELEY.

EXHIBIT P.

Tally-sheet kept at Cherokee Hill for the eighth district, G. M., in and for said county of Chatham, State of Georgia, at the election held on Tuesday, the 5th day of November, in the year of our Lord one thousand eight hundred and seventy-two, for a member of Congress for the first congressional district of Georgia; and for eleven electors to cast the vote of the State of Georgia for a President and Vice-President of the United States of America.

FOR CONGRESS:

Andrew Sloan, v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v i—Total 386.
Morgan Rawls.

FOR PRESIDENTIAL ELECTORS.

Amos T. Akerman, v v v v v v v v v v v v v v v v v v v v—100. v v v v
v v v v v v v v v v v v v v v v—100. v v v v v v v v v v v v v v v v v v v v
—100. v v v v v v v v v v v v v v v v v i—86. Total, 386.

Benjamin Conly, v v v v v v v v v v v v v v v v v v v v—100. v v v v v
v v v v v v v v v v v v v v v—100. v v v v v v v v v v v v v v v v v v v v—
100. v v v v v v v v v v v v v v v v v i—86. Total, 386.

Amherst W. Stone, v v v v v v v v v v v v v v v v v v v v—100. v v v
v v v v v v v v v v v v v v v v v—100. v v v v v v v v v v v v v v v v v v
v v—100. v v v v v v v v v v v v v v v v v i—86. Total, 386.

Joel Johnson, v v v v v v v v v v v v v v v v v v v v—100. v v v v v v
v v v v v v v v v v v v v v—100. v v v v v v v v v v v v v v v v v v v v—100.
v v v v v v v v v v v v v v v v v i—86. Total, 386.

W. B. Jones, v v v v v v v v v v v v v v v v v v v v—100. v v v v v v v
v v v v v v v v v v v v v—100. v v v v v v v v v v v v v v v v v v v v—100.
v v v v v v v v v v v v v v v v v i—86. Total, 386.

W. W. Merrill, v v v v v v v v v v v v v v v v v v v v—100. v v v v v v
v v v v v v v v v v v v v v—100. v v v v v v v v v v v v v v v v v v v v—
100. v v v v v v v v v v v v v v v v v i—86. Total, 386.

John F. Shine, v v v v v v v v v v v v v v v v v v v v—100. v v v v v v
v v v v v v v v v v v v v v—100. v v v v v v v v v v v v v v v v v v v v—
100. v v v v v v v v v v v v v v v v v i—86. Total, 386.

C. D. Forsyth, v v v v v v v v v v v v v v v v v v v v—100. v v v v v v
v v v v v v v v v v v v v v—100. v v v v v v v v v v v v v v v v v v v v—
100. v v v v v v v v v v v v v v v v v i—86. Tatal, 386.

Joel R. Griffin, v v v v v v v v v v v v v v v v v v v v—100. v v v v v v
v v v v v v v v v v v v v v—100. v v v v v v v v v v v v v v v v v v v v—
100. v v v v v v v v v v v v v v v v v i—86. Total, 386.

Geo. S. Fisher, v v v v v v v v v v v v v v v v v v v v—100. v v v v v v
v v v v v v v v v v v v v v—100. v v v v v v v v v v v v v v v v v v v v—
100. v v v v v v v v v v v v v v v v v i—86. Total, 386.

C. A. Ellington, v v v v v v v v v v v v v v v v v v v v—100. v v v v
v v v v v v v v v v v v v v v v—100. v v v v v v v v v v v v v v v v v v v
v—100. v v v v v v v v v v v v v v v v v i—86. Total, 386.

W. T. Wofford.
H. L. Benning.
Julian Hartridge.
Washington Poe.
G. H. Turner.
R. N. Ely.
W. I. Hudson.
James McPace.
N. R Casey.
J. N. Dorsey.
E. D. Graham.
Permedus Reynolds.
Walter H. Weemes.
M. L. Mershon.
T. S. Guerny.
John H. Woodward.
Henry Parsons.
George M. McDowel.
H. I. Bates.
Alexander S. Atkinson.
Miles W. Lewis.
G. M. Netherland.

STATE OF GEORGIA,
Chatham County:

We the undersigned managers and clerks at an election held this day at Cherokee Hill, for the eighth district in the county aforesaid, at which was voted for presidential electors for the State of Georgia, and a Representative to the Forty-third Congress of the United States to represent the first congressional district of Georgia, therein, do certify that the foregoing tally-sheet is a true and correct one of the votes cast at said election.

Given under our hands and official signatures this the 5th day of November, 1872.

(Signed) JOHN A. STALEY, *Freeholder.*
(Signed) ISAAC SEELEY, *Freeholder.*
(Signed) AVERY SMITH, *Freeholder.*
(Signed) JOHN J. NEWTON, *Clerk.*
(Signed) WALTER F. BINGHAM, *Clerk.*
(Signed) EMILE G. POLLARD, *Clerk.*

We hereby certify that the above tally-sheet presents a true account of the ballots cast at Cherokee Hill on the fifth day of November, 1872. We also certify that the election at said place was conducted in a fair and open manner.

(Signed) GEORGE T. CRABTREE, *Supervisor.*
" JAMES DAVIS, "

SAVANNAH, GA., *Nov. 8th*, 1872.

We do hereby certify that the within tally-sheet is a true copy of the one deposited with the clerk of the superior court of Catham County; also of those sent the hon. secretary of state and the governor of the State.

W'M CANTWELL.
JAMES PORTER.
THEO. BASCH.
JOHN J. NEWTON.
JOHN H. DEVEAUX.
ISAAC SEELEY.

EXHIBIT "Q."

Court of ordinary, Chatham County, sitting for county purposes.

OCTOBER 22*nd*, 1868.

It being necessary that election precincts should be established in the county in order to facilitate the election to be held on the 3rd day of November next, it is therefore ordered that election precincts be, and they are hereby, established at Cherokee Hill, in the eight militia district embracing the whole of said district, at Chapman's house in the seventh militia district, embracing the whole of said district, and on the Isle of Hope, embracing the whole of the fifth and sixth militia districts.

HENRY S. WELMORE,
Ordinary C. C.

ORDINARY'S OFFICE,
Chatham County, State of Georgia:

I, William J. Clements, deputy clerk of the court of ordinary of Chatham County, State of Georgia, do hereby certify the above to be a true copy of the original on file in this office.

In witness whereof I have hereto set my official signature and attached the seal of the court of ordinary at the city of Savannah, county and State aforesaid, this the seventh day of February, A. D. 1873.

[SEAL.] WM. J. CLEMENTS,
Dep'ty Cl'k C. O. C. C.

STATE OF GEORGIA,
Chatham County:

I, John O. Ferrill, judge of the court of ordinary of Chatham County, State of Georgia, do hereby certify that William J. Clements, whose genuine signature is attached to the foregoing certificate, is, and was at the time of signing the same, the duly qualified deputy clerk of my court; that the attestation is in due form of law, and that all his official acts are entitled to full faith and credit.

Witness my official signature at the city of Savannah, this the seventh day of February, 1873.

JNO. O. FERRILL,
Judge Court of Ordinary, Chatham County, Georgia.

EXHIBIT "R."

In the fifth circuit court of the United States for the southern district of Georgia.

In the matter of the appointment of a chief supervisor of elections.

Pursuant to a recommendation, in writing, of the honorable John Erskine, judge of the circuit court of the United States for the fifth circuit and southern district of Georgia, and by virtue of the provisions of the thirteenth section of an act of Congress approved February 28th, 1871, entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of the Union, and for other purposes,'" A. W. Stone, esq., of the city of Savannah, in the State of Georgia, one of the commissioners of this court, is hereby appointed to be chief supervisor of elections for the southern judicial district of Georgia.

In open court Dec. 16, 1871.

W. B. WOODS,
Circuit Judge.

SOUTHERN DISTRICT OF GEORGIA, *ss:*

I, Amherst W. Stone, do solemnly swear that I will support the Constitution of the United States of America, and that I will honestly and faithfully perform the duties of chief supervisor of election for the southern district of Georgia. So help me God.

AMHERST W. STONE.

Sworn to and subscribed before me this first day of October, A. D. 1872.

[SEAL.] JA'S McPHERSON, *Clerk.*

SOUTHERN DISTRICT OF GEORGIA, *ss:*

I, James McPherson, clerk of the fifth circuit court of the United States for the southern district of Georgia, do hereby certify that the foregoing are true copies of an order made in open court at the November term, 1871, of the said court, and the oath of office, and by me carefully compared with the originals on file and of record in my office.

In testimony whereof I have hereto set my hand and affixed the seal of the said court at the city of Savannah, in said district, this the eighth day of February, in the year of our Lord eighteen hundred and seventy-three.

[SEAL.] JA'S MCPHERSON, *Clerk.*

(Indorsed:) Exhibit R. U. S. circuit court southern district of Georgia, November term, 1871. In the matter of the appointment of a chief supervisor of election. Order of court appointing A. W. Stone, esq. Certified copy. Done in open court and entered of record 16th December, A. D. 1871. Ja's McPherson, clerk.

EXHIBIT S.

UNITED STATES OF AMERICA,
Southern District of Georgia, ss:

I, James McPherson, clerk of the fifth circuit court of the United States for the southern district of Georgia, do hereby certify that John Erskine, esq., who signed the within certificate, is, and was at the time of signing the same, a judge of the circuit court of the United States for the southern district of Georgia, duly commissioned and qualified, and that full faith and credit ought to be given to his acts and attestations given as such.

In witness whereof I have hereto set my hand and the seal of said court this eighth day of February, in the year of our Lord one thousand eight hundred and .

[SEAL.] JA'S MCPHERSON,
Clerk Circuit Court of said District.

UNITED STATES OF AMERICA,
Southern District of Georgia, ss:

I, John Erskine, judge of the district court of the United States for the southern district of Georgia, do hereby certify that James McPherson, who signed the within certificate, is, and was at the time of signing the same, the clerk of the district and circuit courts of the United States for the southern district of Georgia; that full faith and credit ought to be given to his acts and attestations given as such, and that his said certificate and authentication of the foregoing transcript is in due form.

In witness whereof I have hereto set my hand this eighth day of February, in the year of our Lord one thousand eight hundred and .

JOHN ERSKINE,
Judge of the District Court of said District.

UNITED STATES OF AMERICA,
Southern District of Georgia:

At a special term of the circuit court of the United States for the southern district of Georgia, begun and held in the United States court-

room at Savannah, in said district, on Monday, the fourteenth day of October, in the year of our Lord one thousand eight hundred and seventy-two, court was opened in accordance with the act of Congress entitled "An act to amend an act approved May thirty-one, eighteen hundred and seventy, entitled An act to enforce the rights of the United States to vote in the several States of this Union, and for other purposes," approved February 28, 1871, and an act entitled An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirty, eighteen hundred and seventy-three, and for other purposes, approved June 10th, 1872; present, the honorable John Erskine, United States judge for the district of Georgia, presiding; Charles P. Freeman, a deputy United States marshal for the southern district of Georgia; James McPherson, clerk; and James B. Mathews, crier; and, among other things, the following proceedings, to wit:

In re. Supervisors of elections.

It is ordered, that Samuel D. Dickson, republican, and Edward A. Silva, democrat, be, and are hereby, appointed supervisors of elections for the city of Savannah, in the first congressional district, county of Chatham, 14th Oct., 1872, in open court.

JOHN ERSKINE,
U. S. Judge.

It is ordered, that Montgomery P. Styles, republican, and Crawford Williams, democrat, be and are appointed supervisors of election for the voting precinct of Jeffersonton, Camden County, Georgia, 1st cong. dist., in open court, Oct. 15th, 1872.

JOHN ERSKINE,
U. S. Judge.

It is ordered by the court, that the following-named persons be, and are hereby, appointed supervisors of election for the county of Burke, in the first congressional district, in the State of Georgia, at the respective voting precincts, to wit:

At Waynesboro, for 60th & 62nd dist's: E. H. Blount, republican; Richard Wimberly, democrat.

At the voting precinct for the 61st district: Stanley Young, republican; J. W. Carswell.

At the voting precinct for the 63d dist: Bryant Whitfield, republican; J. A. Shewmake, democrat.

At the voting precinct for the 64th district: William Hankerson, republican; Robert Ellison, democrat.

At the voting precinct for 65th district: John E. Franklin, republican; Roberson Tarver, democrat.

At the voting precinct for 67th district: John Mack, republican; John C. Fulcher, democrat.

At the voting precinct for 69th district: Daniel Lawson, republican; T. F. Daniel, democrat.

At the voting precinct for the 70th district: John N. Applewhite, republican; Henry White, democrat.

At the voting precinct for 71st district: John F. Lawson, republican; R. C. Wimberly, democrat.

At the voting precinct for 72nd district: John R. Boyd, republican; W. C. Palmer, democrat.

At Bar Camp for 73, 74, & 75th districts: A. H. Sconyers, republican Noah Adams, democrat.

In open court, Oct. 30th, 1872.

J. ERSKINE,
U. S. Judge.

It is ordered by the court, that the following-named persons be, and are hereby, appointed supervisors of election for the county of Camden, in the first congressional district, in the State of Georgia, at the respective precincts, to wit:

At Horse Stamp: Edward Andrews, republican; Hugh Littlefield, democrat.

At Ward's: George W. Forrester, republican; Robert Lang, democrat.

At Baylies': James Curtis, republican; J. L. Fowler, democrat.

At St. Mary's: William T. Spencer, republican; George F. Carr, democrat.

At Casey's: Frank Frazier, republican; Gideon A. Malett, democrat.

Oct. 30th, 1872.

J. ERSKINE,
U. S. Judge.

It is ordered by the court, that the following-named persons be, and are hereby, appointed supervisors of election for the county of Scriven, in the first congressional district, in the State of Georgia, at the respective precincts for voting, to wit:

At voting precinct for 35th district: W. H. Lawson, republican; Charles Evans, democrat.

At voting precinct for 34th district: John Jenkins, republican; Alexander Mathews, democrat.

At voting precinct for 36th district: James Bryant, republican; Thomas Anderson, democrat.

At voting precinct for 259th district: L. J. Preston, republican; James Evans, democrat.

At Mar's Court Ground, or Rocky Mount: G. P. Brown, republican; M. P. Wade, Democrat.

Oct. 31, 1872.

J. ERSKINE,
U. S. Judge.

It appearing to the court that E. A. Silva, who was appointed supervisor of election for the Savannah precinct, has declined to serve, the Hon. W'm B. Fleming is appointed in his place.

Nov. 1, 1872.

JOHN ERSKINE,
U. S. Judge.

It being represented to the court that Crawford Williams, heretofore appointed supervisor for Jeffersonton precinct, Camden County, Georgia, is inelligible to the office, it is therefore ordered that his appointment be revoked, and that Ray Tompkins, democrat, be appointed in his stead.

Nov. 1, 1872.

JOHN ERSKINE,
U. S. Judge.

It is ordered by the court that the following-named persons be, and are hereby, appointed supervisors of election for the county of Chatham, in the first congressional district, in the State of Georgia, at the respective precincts, to wit:

At Cherokee Hill: James Davis, republican; George Crabtree, democrat.

At Chapman's: Henry Bieber, republican; Charles T. Chapman, democrat.

At Isle of Hope: Peter Houston, republican; William R. Waring, democrat.

JOHN ERSKINE,
U. S. Judge.

Nov. 1, 1872.

It appearing to the court that Hon. W. B. Fleming, who was appointed supervisor of elections for the Savannah precinct, has declined to serve, the Hon. William W. Paine is appointed in his place.

J. ERSKINE,
U. S. Judge.

Nov. 1, 1872.

SOUTHERN DISTRICT OF GEORGIA:

I, James McPherson, clerk of the fifth circuit court of the United States for the southern district of Georgia, do hereby certify that the above and foregoing five pages are true and correct extracts from the minutes of the said court as they are of record, and also true transcripts of the original papers on file in my office.

In testimony whereof I hereunto subscribe my official signature and affix the seal of the said circuit court at the city of Savannah, in said southern district of Georgia, this the eighth day of Febr'y, in the year of our Lord one thousand eight hundred & seventy-three.

[SEAL.] JA'S MCPHERSON, *Clerk.*

EXHIBIT T.—*Notice to take depositions.*

In the matter of the contested election for a member of Congress from the first congressional district of Georgia in the House of Representatives of the Congress of the United States for the Forty-third Congress.

SAVANNAH, GA., 29th *January*, 1873.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe the mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, and later laws of Congress in reference thereto, it is my intention to examine witnesses before John J. Newton, a notary public in and for the county of Chatham in the said State of Georgia, the said John J. Newton residing within the said first congressional district of Georgia, and being duly authorized by said acts to examine such witnesses, or before some other person or persons duly qualified, at the court-house in the town of Statesborough, in the county of Bulloch, in the State of Georgia, in the above matter, on Friday, the fourteenth (14th) and Saturday, the fifteenth, (15th) days of February, A. D. 1873, at eight o'clock in the forenoon of each of said

days, and between the hours of eight o'clock in the forenoon and ten o'clock, p. m., and to be continued without interruption, except by necessary adjournments, during all of said periods of time, or such much thereof as may be necessary to examine the following-named witnesses, to wit: D. C. Proctor, J. C. De Loach, John Green, M. J. Green, David Beasly, sr., R. F. Sanders, Mathew Miller, J. R. Miller, C. S. Marsten, Cuyler Nevills, Norman B. Rushing, John Anderson, John G. Jones, Hiram Franklin, Frank Oliff, James Hendricks, W. W. Hendricks, Dillard Woodson, H. A. Riggs, M. M. Riggs, B. J. Sims, Mrs. F. H. Griffin, N. Brinson, John G. Blitch, C. A. Sorrier, James Carter, George Lanier, Monday Smith, Andy Hallowaway, Peter Bird, Alexander Ellis, Isaac Dutton, Frank Wilson, Fortune Miller, Thomas McCall, Jackson Raymond, Richard Moore, Ben. Hall, Thomas Wilson, Zack Rawls, all residents of Bulloch County, State of Georgia.

Yours, respectfully,

ANDREW SLOAN.

To MORGAN RAWLS,
Guyton, Georgia.

SAVANNAH, GEORGIA, *January* 31, 1873.

We, A. B. Smith and Walter C. Beeks, attorneys for Morgan Rawls, in the contested election case of Andrew Sloan vs. Morgan Rawls, hereby acknowledge due and legal service of the within notice, we having received a copy thereof, and waive further service.

SMITH & BEEKS,
Attorneys for contestee.

I, M. J. O'Donoghue, swear that the said Smith and Beeks acknowledged service of the within, in my presence, and I gave them a copy of said notice this day.

M. J. O'DONOGHUE.

Sworn to January 31st, 1873, in presence of

JNO. J. NEWTON,
Notary Public.

EXHIBIT U.—*Notice to take depositions.*

In the matter of the contested election for a member of Congress from the first congressional district of Georgia, in the House of Representatives of the Congress of the United States for the Forty-third Congress.

SAVANNAH, GA., *Jan'y 30th*, 1873.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe the mode of obtaining evidence in contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, and later laws of Congress in reference thereto, it is my intention to examine witnesses before John J. Newton, a notary public, duly appointed in and for Chatham County, State of Georgia, the said John J. Newton residing within the said first congressional district of Georgia, and being duly authorized by said acts to examine such witnesses, or before some other person or persons duly qualified, at the court-house in the town of Waynesboro', in the county

of Burke, in the State of Georgia, in the above matter, on Thursday, the 20th, 21st, 22nd, 23rd, 24th, 25th, 26th and 27th days *days* of February, A. D. 1873, at eight o'clock in the forenoon of each of said days, and between the hours of eight o'clock in the forenoon and ten o'clock p. m., and to be continued without interruption, except by necessary adjournments, during all of said period of time, or so much thereof as may be necessary to examine the following witnesses, to wit, William W. Sturges, Sol. K. Mills, R. Same, Needham Bullard, Simon S. Godbee, G. C. Godbee, J. H. Blount, John D. Munnerlyn, W. E. Lasiter, Ja's H. Perry, Geo. W. Reeves, Washington Mobley, S. J. Heath, Randolph Ripley, W. F. McClenahan, McPherson N. Eve, R. B. Hall, Ja's W. Grubbs, W. W. Walton, J. Robert Thomas, W. J. Wimberly, Robert Chafidley, Pendleton Sapp, Major Daniel R. Samer, J. D. Cook, Robert H. Burton, C. T. Belt, John H. Perkins, William Warnock, J. W. Carswell, S. Young, Jno. T. Lawson, Simon Garlick, Jno. D. Ashton, Stephen A. Corker, Richard Wimberly, Jesse Wimberly, John Mack, John Warren, John Johnson, John Anderson, Benj. Reynolds, Henry Warren, William Douglass, George Sturges, Charles McLahan, William Ward, James Kelsey, Wright Lawrence, Daniel King, Judge Ellick, Frank Thomas, William Schofield, Peter Farley, Jack Josey, George Miller, Benton Carter, Henry Carter, William Washington, July Martin, Jack Rainey, Geo. Brown, Augustus Rainey, Mellville Rainey, Benj. Reddy, Alfred Reddy, Hardy Robinson, Jackson Robertson, James Cervinia, Willis Steele, Cornelius Jones, Alfred King, James Cooper, Joseph Taylor, Emanuel Sturgis, Henry Washington, John Reynolds, Mingo Green, Aaron Carter, Henry Robertson, Henry Scott, Alex. Scott, Levy Jones, George Walker, George Jones, Cuffee Bates, Richard Burke, July Smith, Isaac Carmichael, Nea Young, Jeff. Turkey, Oliver Washington, Stark Bealls, Jordon Elder, Wash. Howard, Frank McAbel, Pompey Reynolds, Solomon Sturgis, William Sturgis, David Campfield, Collins Carter, Collins Scott, Henry Nolan, Bill Smith, Henry Jackson, Stephen Watkins, Anderson Quinn, Toby Hodge, Seaborn Jones, Ben. Jones, Webb Jones, Josiah West, Prince Jones, John Mack, Crawford Jackson, Mondry Evans, Rent Hemes, Malton Arnold, Guy Colson, Calvin Lanier, Josiah Wimberly, Aaron Jones, David Fulcher, Moses Thurington, Isaac Evans, Simon Inman, Samuel Williams, Carey Williams, Moses Conner, Fred. Cooper, Guisey Robertson, Daniel Parker, Ape Williams, George King, James Fitzsimons, George Robertson, Samuel Jackson, Elijah Robertson, Abram Moore, Simon Moore, Lemuel Poope, Smart Nesbit, Paul Ellision, Bob Robbins, Raymond Filo, Jesse Galphin, Richard Williams, Samuel Morrison, Alex. Feeley, George Hill, Cage Powell, Jacob Pooley, David Mock, Alex. Fryer, Philip Bowles, Philip Johnson, W'm Johnson, Jenkins Brown, Washington Jordon, Shedrack Thomas, Wesley Jenkins, Thomas Brown, Augustus Wright, Moses Ward, Peter Dickson, Berry Randall, Philip Jenkins, Buck Cooper, Mitchell Strother, David Williams, Edmund Windly, Ebbitt Jones, Cyrus Cobb, Mellville Lugene, Perry Thomas, John Lewis, Archibald Butler, Felson Mulkey, Casey Mulkey, Alfred Cooper, James Carpenter, Samuel Carter, Samuel Royals, Al'x Fulehn, Ned Godbee, Edmund Lane, E. Jenkins, Augustus Barnes, Jefferson Bine, Milo Perry, Langston Walker, Benj. Whitehead, Edmund Harris, Frank Harris, William Hudson, Turner Bell, Mack Bell, Benj. Holden, Handy Warnock, Adam Lassiter, Allen Bell, Daniel Godbee, A. Campbell, Moses Newton, William Lawson, Fred Carter, Joe Sampson, Boss McCall, Miller Smith, Alex. Tindle, Wilson Burton, Jeremiah

Whitfield, Neptune Purse, Henry Carter, Robinson Harrison, Jas. Lavim, Benj. Bell, Joseph Matherson, Jenkins Lovitt, Henry Baker, Thomas Williams, Bachus Gresham, Preston Gresham, Richard Lewis, Sheppard Pryor, Ashby Kelsey, Primus Whitehead, Jacob Gresham, Lewis Robertson, Peter Colwell, Washington Heard, Williams Kelsey, Randall Lester, Henry Lane, Warren Walker, William Lane, Hampton Lewis, Elbert Sanford, William Lost, Absolam Shewmake, Wm. Watson, W'm Lucius Wright, Richardson, Henry Jenkins, Alfred Bine, Adam Walker, Philip Rogers, , James Dixon, Elbert Butler, W'm Verderey, James Brigham, Geo. Netsmith, Wm. Young, Hardy Griffin, James Ellison, Alfred Bath, Edward Main, Al'x Lawrence, Moses Oliver, Moses Young, Jupiter Blocker, Henry Anson, W'm Sanders, Al'x Romos, John Brigham, Benj. Oliver, Moses Oliver, Allen Burke, H. Lawrence, Canon Hornton, Edward Clark, David Godbee, Samuel Lewis, Marsh Larit, A. Royals, David Griffin, Josiah Wayne, Edmund Tuller, Moses Hurst, William Dixon, Joseph Clark, Cyrus Sperscott, Edmund Harper, Patrick Harper, Alfred Griffn, Henry Brigham, Price Ellison, Richard Kelly, Henry Chancey, Hardy Royals, Isaac Griffin, Isaac Clark, James Bower, Sandy Shewmake, Jefferson Aran, Willis Williams, Smith Mobley, W'm Yeardy, Johnson Worth, Jeff. Williams, J. Sapp, Berry Brigham, Isaac Bay, Abram Mobley, Henry Smith, John Ellison, Geo. Jones, Raiford Marsh, J. Clark, Moses Ward, Cyrus Ellison, W'm Brigham, Al'x Dixon, Moses Greene, Abram Chance, Herschel Perkins, Jno. Perkins, George Warnock, Clark, and all other electors, whose names appear upon the poll-lists of said county in said election, all residents of Burke County, and D. G. Cotting, of Fulton County, Ga.; also, Richard Arnett, of Scriven Co., Ga., and G. P. Brown, formerly of Scriven Co., Ga., now of Georgetown, South Carolina.

Respectfully, &c.,

ANDREW SLOAN.

MORGAN RAWLS, Esq., *Guyton, Ga.*

SAVANNAH, GA., *Feb'y 8th,* 1873.

Due and legal service of the within notice acknowledged, I having this day received a copy thereof, and all further service waived.

Feb'y 8th, 1873.

MORGAN RAWLS, *Contestee.*

Service acknowledged in my presence.

JNO. J. NEWTON,
Notary Public.

EXHIBIT V.

GEORGIA, *Burke County:*

CLERK'S OFFICE.

I, John D. Munnerlyn, clerk of the superior court of said county, do hereby certify that at an election held at the precinct of Lawtonville, in the 61st dist. G. M. of said county, for President and Congressmen, on the 5th day of November, 1872, Andrew Sloan, candidate on the Grant ticket for Congress, received one hundred and eighty-nine votes, and Morgan Rawls, democratic and liberal candidate for Congress, received one hundred and thirteen, giving Andrew Sloan a majority of seventy-

six votes, and that the same was not embraced in the consolidated returns sent to the state department, at Atlanta, Ga., on account of the failure of the managers of said election, at said precinct, to sign said returns.

Given under my hand and official signature this 26th day of December, 1872.

JNO. D. MUNNERLYN, *Cl'k, S. C. B. C.*

GEORGIA, *Burke County:*

I, John H. Perkins, justice of the peace of the 61st district G. M., do hereby certify that I was one of the managers of the election held at the precinct of the 61st dist. G. M., for President and Congressmen, on the 5th day of November, 1872. We, the managers, did not certify to the election returns, on account of a misunderstanding between the managers in regard to the counting. Andrew Sloan was, to the best of my recollection, had between seventy and eighty votes more than Morgan Rawls. I can certify to the exact number when I see the election returns as sent up by us.

Given under my hand and seal this Dec. 26th, 1872.

JNO. H. PERKINS, *J. P.* [S. S.]

SECRETARY OF STATE'S OFFICE,
Atlanta, Jan'y 8, 1872.

The above & foregoing are true copies of the original certificates on file in this office.

Witness my hand & official seal.

[SEAL.]

DAVID G. COTTING,
Secretary of State.

EXHIBIT W, (FOR CONTESTEE.)—*Consolidated precinct returns for Burke County, November 5th*, 1872.

Name of precinct.	Grant.	Greeley.	Rawls.	Sloan.
Waynesboro, 60 & 62d G. M. dist				
60th & 62d " "	218	478	475	220
Ireland, 71st " "	585	30	24	590
Sodam, 70th " "	.....	13	13	.....
72d " "	.....	9	9	.....
Brigham or Liberty Hill, 68th " "	35	105	105	35
64th " "	.....	62	62	.....
73, 74, & 75th, Bark Camp, " "	.....	69	69	.....
Alexander 63d " "	80	83	83	80
Gordon, 66th " "	156	147	146	156
Tarver's Shop, 65th " "	12	65	65	12
	1086	1061	1051	1093

Grant 1086 Sloan 1093
Greeley 1061 Rawls 1051
25 majority. 42 majority.

EXHIBIT Y.—*Notice to take depositions.*

In the matter of the contested election for a member of Congress from the first congressional district of Georgia in the House of Representatives of the Congress of the United States for the Forty-third Congress.

SAVANNAH, GA., *Febr'y* 11, 1873.

SIR: You are hereby notified, that, in pursuance of an act of Congress entitled "An act to prescribe the mode of obtaining evidence in cases of contested elections," passed the 19th day of February, A. D. 1851, and the several supplements thereto, and the later laws of Congress in reference thereto, it is my intention to examine witnesses before Michael J. O'Donoghue, a notary public in and for the county of Chatham and State of Georgia—the said Michael J. O'Donoghue residing within the said first congressional district of Georgia, and being duly authorized by said acts to examine such witnesses—or before some other person or persons duly qualified, at the law-office of Andrew Sloan, contestant, corner of Drayton and Bryan streets, in the city of Savannah, county of Chatham, in the State of Georgia, in the above matter, on the twenty-fifth, twenty-sixth, and twenty-seventh days of February, A. D. 1873, at eight o'clock in the forenoon of each of said days, and between the hours of eight o'clock in the forenoon and ten o'clock p. m., and to be continued without any interruption, except by necessary adjournments, during all of said period of time, or so much thereof as may be necessary to examine the following-named witnesses, to wit, Henry M. Turner and N. N. Wilson, of Chatham County, city of Savannah; Lewis Pleasants, route agent on the Atlantic & Gulf Railroad; R. D. Sharp, G. P. Brown, Richard Arnett, & Lewis Birney, of Scriven County; E. A. McWherter and Henry Underwood, of Camden County, Georgia.

Respectfully,

ANDREW SLOAN.

To MORGAN RAWLS,
Guyton, Ga.

SAVANNAH, GA., *February 11th*, 1873.

Due and legal service of the within notice and list of witnesses acknowledged, a copy thereof having been this day handed us by Andrew Sloan, contestant, and all further service and notice waived.

SMITH AND BEEKS,
Atty's for Contestee.

EXHIBIT A A.—*Consolidated return.*

STATE OF GEORGIA, *Chatham County:*

We, the undersigned, a majority of the managers at the court-house [*] of an election held in Chatham County, on the 5th day

*[Erased.]

of November, 1872, for a member of Congress, to represent the first congressional district in the 43d Congress of the United States, and for electors for President and Vice-President of the United States, do certify that we have this day met and consolidated the returns of the other voting-places with the court house, and that the following is the result:

Names of candidates for Forty-third Congress.	Number of votes polled.
Morgan Rawls received	3,161
Andrew Sloan	2,428

Names of candidates for electors.	Number of votes polled.
Wm. T. Wofford received	3,282
Washington Poe	3,282
Henry L. Benning	3,282
Julian Hartridge	3,284
H. G. Turner	3,281
Robert N. Ely	3,281
W. I. Hudson	3,281
J. M. Pace	3,281
Henry R. Casey	3,281
J. N. Dorsey	3,281
E. D. Graham	3,279

Names of candidates for electors.	Number of votes polled.
Amos T. Akerman received	2,335
Benj. Conley	3,335
Amhurst W. Stone	2,336
Joel Johnson	2,335
W. B. Jones	2,335
W. W. Merrill	2,335
Joel R. Griffin	2,335
John F. Shine	2,335
C. D. Forsyth	2,335
George S. Fisher	2,335
C. A. Ellington	2,335
Sam'l A. McNeil	2
Blank———	8

And we herewith enclose a list of voters and tally-sheet and return for each voting-place, with the managers' oath.

Witness our hands and seals, this seventh November, 1872.

ISAAC M. MARSH, *N. P. and E. O., J. P.,*
BENJAMIN T. SHEFTALL, *Freeholder,*
MICHAEL F. T. QUINN, *Freeholder,*
JAMES G. WATTS, *Freeholder,*
SIGISMUND ELSINGER, *N. P., J. P.,*
CHA'S O. LARNDEN, *J. P. Cl.,*
ISAAC RUSSELL, *J. P. C. C. Ga.,*
CHRISTOPHER C. CASEY, *Freeholder,*
JOHN R. HAMLET, *Freeholder,*
LEVI S. HART, *Not. Pub. & Ex-off. Justice of the Peace C. C., Managers.*

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 11, 1872.

The above and foregoing is a true copy of the original consolidated return (with erasures) of the election held in Chatham County on the 5th day of November, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia, in the 43d Congress of the United States. Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT B B.—BOX 1.

GEORGIA, *Chatham County:*

List of persons voting at the court-house, in the city of Savannah, County, State of Georgia, at the election held on Tuesday, the fift November, A. D. 1872, for eleven electors to cast the vote of the Georgia for a President and Vice-President of the United S America, and also for one member of Congress for the first cong district of Georgia.

1 C. Taber.
2 W. C. Taber.
3 C. P. Blakewood.
4 James Harlett.
5 Henry Mainhard.
6 J. Epstein.
7 John Foley.
8 Peter Donelan.
9 Horace Cummins.
10 A. Dropson.
11 Tho's Baker.
12 R. Baily.
13 Jno. B. Cuthbert.
14 Dan'l Grayner.
15 C. W. Howe.
16 Rich'd Corish.
17 M. McQuinney.
18 John Schinick, jr.
19 P. M. Conny.
20 W'm Kelly.
1 Jno. Miller.
2 Peter Beranse.
3 David Cork.
4 Mark Appel.
5 M. Murphy.
6 Ja's McCauly.
7 Alf'd Hervy.
8 C. J. Burk.
9 James Flowdy.
30 Jacob Razor.
1 Val Basler.
2 Tho's Norton.
3 Cha's Fox.
4 John Wendelken.
5 W'm H. Cohen.
6 Fred Law.
7 C. Norman.
8 David Fusenburg.
9 M. T. Quinnan.
40 H. G. Black.
1 W. B. Hassett.
2 W. J. Clements.
3 Henry Bennett.
4 P. H. Belen.
5 J. Andrew.
6 J. D. Tenbrock.
7 Toney Jenkins.
8 Tho's F. Brown.
9 Jno. R. Dillon.
50 Pat'k Prenty.
1 Sam'l North.
2 Cornelius Cummings.
3 L. King.
4 E. A. Caldwell.
5 W'm Anderson.
6 C. F. Fairbanks.
7 Frank Bryan.
8 Rolly Cooper.
9 Tho's J. Beares.
60 Morris Brown.
1 Andrew Jackson.
2 J. R. Covington.
3 J. F. Crevalier.
4 Rob't Jones.
5 And. T. Killar.
6 John Screven.
7 P. M. Box.
8 R. H. Anderson.
9 Jno. H. Griffin.
70 J. R. P. Carr.
1 J. C. Burk.
2 B. F. Gray.
3 Tho's Daniels.
4 C. E. Ryan.
5 Jas. W. Lathrop.
6 Tho's Wilson.
7 John Connelly.
8 M. Frink.
9 J. T. Howard.
80 A. B. Miller.
1 T. S. Bundar.
2 R. E. Davis.
3 A. P. Robins.
4 A. A. Lening.
5 J. L. Morgan.
6 H. L. Fallback.
7 S. T. Hodges.
8 B. G. Floyd.
9 P. McMahan.
90 A. A. Jones.

1 J. A. Patterson.
2 W. N. Strong.
3 Tim Murphy.
4 Ja's Dasher.
5 J. H. Brantley.
6 P. McGuire.
7 J. A. Donfour.
8 H. Seniry.
9 Gilbert Butler.
100 N. Grill.
1 Geo. Waldner.
2 A. B. Hazzard.
3 Ja's Byrd.
4 S. Epstein.
5 J. M. Frank.
6 Leopold Spieldock.
7 Cha's Williams.
8 Isaac Strail.
9 C. H. Campfield.
110 And. Teynac.
1 Ja's Dee.
2 Ja's Byrnes.
3 Math. Hogan.
4 T. Hamilton.
5 E. Milligan.
6 W'm Bell.
7 M. J. Sullivan.
8 Mich'l Murphy.
9 A. A. Solomons.
120 Michael Bryan.
1 Nick Hantz.
2 J. H. Graybill.
3 W'm Walsh.
4 Louis Alexander.
5 H. A. Moses.
6 W'm Moran.
7 And. Hanley.
8 J. C. Hough.
9 A. Esheftall.
130 Pat'k Reilly.
1 Tho's Morgan.
2 Rob't Hunt.
3 E. Davis.
4 H. H. Harvey.
5 W'm Sullivan.
6 P. McDonald.
7 F. Walls.
8 S. Hanley.
9 M. G. Reilly.
140 T. Anglin.
1 M. N. Barry.
2 W. L. Connor.
3 R. G. Cramer.
4 Pat'k Dillon.
5 R. Cotter.
6 N. Reed.
7 Pat'k Russell.
8 Mich'l Fleming.
9 John Ringg.
150 John Conoly.
1 Eugene Sullivan.
2 Hugh Curtis.
3 A. J. Sheftall.
4 M. Fahty.
5 Ja's Woods.
6 Jno. Reilly.
7 W'm Daffin.
8 E. Dwelle.
9 M. P. Usina.
160 B. Berley.
1 B. J. Lester.
2 W. S. Brown.
3 L. E. Byck.
4 Jno. Boggins.
5 Col. H. H. Eden.
6 S. E. Byck.
7 R. P. Spencer.
8 Lot. Roberts.
9 A. H. Champion.
170 W. S. Clark.
1 Tho's Ferling.
2 A. McNulty.
3 Raymond N. Daener.
4 Jno. McSniggin.
5 Moritz Walsh.
6 W. R. Clark.
7 James Senard.
8 James Buckley.
9 Pat'k O'Conor.
180 P. L. Dunlevy.
1 James Mahl.
2 N. B. Wilson.
3 Rob't O'Keefe.
4 J. Walls.
5 N. Townsend.
6 H. D. During.
7 Jno. Power.
8 Tho's Cunnihan.
9 Jno. Byrd.
190 Tho's Curry.
1 M. J. Jones.
2 W. Taylor.
3 F. M. Wall.
4 P. Malone.
5 Jno. Evans.
6 F. Leech.
7 M. McQuade.
8 M. Digman.
9 S. Pulaski.
200 H. A. Elkins.
1 Tho's Flaherty.
2 Mich'l Cash.

3 Raymond Demere.
4 W'm Cullen.
5 W. F. Eliott.
6 W. L. Wakelee.
7 J. E. Bryan.
8 Stephen Goggins.
9 C. Sebits.
210 C. E. Grover.
1 Jno. Morrison.
2 Geo. E. Wilson.
3 Joseph Julian.
4 E. C. Swain.
5 P. J. Pacetly.
6 J. K. Munnerlyn, jr.
7 J. S. Rogers.
8 J. M. Bryan.
9 F. Lautine.
220 Adam Boultree.
1 W. G. Bullock.
2 W. F. Chaplin.
3 C. T. Ellis.
4 G. W. Sturtevant.
5 B. Symons.
6 W. J. Smith.
7 S. R. Monroe.
8 H. Hoffman.
9 James Clark.
230 John Adams.
1 Rob't Norman.
2 Alex. Seward.
3 J. G. Clark.
4 Alf Haywood.
5 N. P. Smith.
6 Henry Brewer.
7 F. W. Vonbunter.
8 Jno. Sullivan.
9 H. M. Coner.
240 R. Demartin.
1 Israel Dasher.
2 W'm Carter.
3 Ja's Foley.
4 Geo. W. Dasher.
5 Jno. H. Deppish.
6 W. E. C. Bullock.
7 P. J. Burke.
8 J. Belsinger.
9 S. Demartin.
250 W'm W. Griffith.
1 Horace Crane.
2 C. W. Atwell.
3 J. B. Barton.
4 Dan'l Clancy.
5 A. Neely.
6 Peter Luddy.
7 Ja's B. Denby.
8 Ja's G. Dent.
9 J. J. Hernandez.
260 W. A. Spink.
1 Jno. Fitzgerald.
2 W'm Howe.
3 W. D. Sheppard.
4 J. F. Heidt.
5 M. McElligott.
6 A. F. Bennett.
7 Rob't Saussy.
8 Pat'k Burns.
9 C. Bishop.
270 Geo. W. Wylly, sr.
1 Jno. E. Hernandez.
2 Jno. H. Stegin, jr.
3 M. J. O'Donahao.
4 W. H. King.
5 Jno. J. Donnelly.
6 Henry Small.
7 E. R. Dillon.
8 F. M. Farley.
9 W'm H. Patterson.
280 Geo. R. Patterson.
1 H. Salter.
2 Jno. Schroder.
3 Ja's P. Knox.
4 M. Cohen.
5 S. Partridge.
6 S. D. Allen.
7 Lawson Chase.
8 S. Campbell.
9 A. M. Day.
290 W'm Webb.
1 John Cahill.
2 Cha's C. Adams.
3 J. S. Kennedea.
4 J. F. Byrd.
5 D. W. Shafer.
6 A. Futch.
7 C. W. Futch.
8 D. Shea.
9 E. W. Blance.
300 Jno. McMahon.
1 A. Basler.
2 Jno. Fitzgerald.
3 L. T. Turner.
4 C. W. Thompson.
5 Jack Burke.
6 Bill Roberts.
7 C. P. Conney.
8 B. P. Bish.
9 G. A. Howell.
310 S. J. M. Baker.
1 D. Y. Denney.
2 J. G. Garnett.
3 W'm Haas.
4 Rob't Brown.

5 M. Coburn.
6 Ja's Sullivan.
7 W. H. Adams.
8 Jere. Brady.
9 E. M. O'Conor.
320 E. H. Williams.
1 G. S. Haines.
2 Jno. Sullivan.
3 Halsted Smith.
4 E. H. McAll.
5 A. E. McDaniel.
6 K. M. Oppenhein.
7 A. L. Edwards.
8 W. T. Edwards.
9 Jno. R. Dillon.
330 J. S. Neidlinger.
1 W. T. Daniels.
2 W. A. Williams.
3 T. Franklin.
4 R. Axson.
5 Jacob Lirkston.
6 Jim Hillard.
7 A. A. Poppell.
8 S. Elsinger.
9 Geo. H. Dana.
340 P. Condor.
1 Cha's Carey.
2 J. E. Fry.
3 Ja's Sullivan.
4 H. C. Poppell.
5 P. Williams.
6 Mich'l Barret.
7 A. J. Kelly.
8 Ja's Valmar.
9 G. W. Brownell.
350 Harris White.
1 E. W. Ulmer.
2 Cæsar Benson.
3 Geo. Bryan.
4 F. L. Anderson.
5 Ja's Morrison.
6 W. Votner.
7 Tho's Levy.
8 Tho's Addison.
9 J. B. Clark.
360 E. M. Dennis.
1 Ja's McGrath.
2 C. F. Stubbs.
3 A. C. Ellington.
4 P. W. Williams.
5 Jno. Clary.
6 Jno. Hanlin.
7 C. M. Bethune.
8 Ja's Bell.
9 W. B. Bell.
370 Jno. Stokes.

1 R. N. Reed.
2 Edw. Nugent.
373 A. S. Haines.
4 L. Connell.
5 S. McA. White.
6 J. L. Romillas.
7 F. B. Bloodworth.
8 Sam'l Benedict.
9 Jacob Spang.
380 J. M. Bischoff.
1 L. E. Byck.
2 F. Dowd.
3 R. B. Sanford.
4 R. B. McWilliams.
5 E. A. Castello.
6 M. B. Barnwell.
7 H. H. Wall.
8 T. B. Furguson.
9 Geo. McIntire.
390 Jno. Ehlam.
1 Rob'rt J. Wade.
2 T. B. Gowan.
3 Jos. Claghorn.
4 R. S. Claghorn.
5 Oct. Cohen.
6 Cha's Ehlers.
7 Gros Marshall.
8 Oct. Cohen, jr.
9 Ja's Kirksey.
400 G. B. Shaffer.
401 Ja's Atkins.
2 J. A. Polhill.
3 J. B. Chase.
4 J. E. Blackshear.
5 C. E. Phillips.
6 C. H. Hopkins.
7 J. W. Fretwell.
8 Jno. Snider.
9 A. S. Dellany.
410 W. G. York.
1 J. H. Murphy.
2 W'm O'Bryan.
3 Pat. Dougherty.
4 Jno. Kebo.
5 Pat. Fagarty.
6 J. A. Rahn.
7 M. W. Mitzger.
8 J. W. Booth.
9 J. Brestock.
420 S. Jones.
1 M. A. Cohen.
2 Oscar Ashter.
3 E. E. Dale.
4 Ja's White.
5 T. W. McNish.
6 Jno. Smith.

7 P. E. Suddy.
8 Gustav Keisling.
429 M. McDonald.
430 Chris. Snider.
1 W'm Small.
2 Geo. Davis.
3 Andrew Galhel.
4 D. Damerest.
5 Pat'k Byrns.
6 Sol. Cohen.
7 W. F. Chaplin.
8 J. R. Saussy.
9 T. B. Lanier.
440 R. D. Bryant.
1 R. W. Adams.
2 E. F. Bryan.
3 Jos. Brodam.
4 Philip Cohen.
5 J. J. Backley.
6 Geo. P. Jordan.
7 G. G. Johnson.
8 Nathan Waves.
9 Rob't Cahill.
450 Alva Allen.
1 Jno. J. Gurmhan.
2 King Grayner.
3 Jno. L. Martin.
4 Pat'k Downey.
5 F. Cavalier.
6 Jno. Gleason.
457 T. B. Miller.
8 S. C. Richardson.
9 M. Copps.
460 S. A. White.
1 R. D. Geurard.
2 C. B. Austin.
3 W. W. Gordon.
4 R. J. Davant.
5 J. F. Glass.
6 F. J. Devine.
7 R. L. Gentry.
8 J. B. Riely.
9 W. S. Dexter.
470 J. Weiselbaum.
1 D. M. Bennett.
2 H. C. McKee.
3 J. M. McAntosh.
4 M. J. Rainwater.
5 Geo. Schley.
6 D. M. Mallett.
7 S. M. Mallett.
8 B. J. Copp.
9 W. J. Friend.
480 J. S. Munnerlyn.
1 Paul Farobee.
2 Henry Farobee.
3 Nick Curry.
4 Tho's Bacon.
485 Geo. M. Softner.
6 E. Flaherty.
7 T. H. Austin.
8 Geo. Apple.
9 Cha's Berry.
490 J. Rosenbaum.
1 W'm Ledferd.
2 S. Gazan.
3 G. N. Clark.
4 E. Butherner.
5 C. H. Dorsett.
6 C. E. Bain.
7 W. E. Q. Baker.
8 T. H. Maxwell.
9 G. W. Walker.
500 S. H. Haines.
1 J. W. Kehoe.
2 M. W. Kehoe.
3 S. W. Branch.
4 J. H. Does.
5 J. J. Allen.
6 J. Y. Dixon.
7 H. H. Way.
8 T. Neiman.
9 F. Rip Sweat.
510 D. Maloney.
1 John Sinney.
2 W. A. Thomas.
513 Levy S. Russell.
4 B. H. Reiley.
5 E. J. Moses.
6 W. M. McFall.
7 J. T. Rosignal.
8 C. B. Rosignal.
9 T. J. Charlton.
520 W'm H. Blaun.
1 J. B. Epstein.
2 J. J. Dooley.
3 R. Cecopely.
4 J. McDemett.
5 Israel Anderson.
6 J. M. Harrison.
7 A. B. La Roache.
8 C. W. Anderson.
9 Jno. Howard.
530 B. F. Marshall.
1 M. Newmark.
2 E. W. Eden.
3 Ja's Mohoney.
4 P. C. Elkins.
5 Philip Martin.
6 Alb't Brown.
7 Ja's Bulden.
8 Jno. Murphy.

9 Dan'l Sullivan.
540 Nicholas Abell.
541 Jno. Sullivan.
2 W'm Frewin.
3 L. B. Blackwell.
4 Jno. McCarthy.
5 W. V. Vannal.
6 C. H. Bulkley.
7 Edw'd Barrett.
8 Geo. A. Wever.
9 Jo's T. Wilson.
550 F. Callahan.
1 Ocsola Butler.
2 L. A. Folligant.
3 W. H. Coburn.
4 S. H. Sukes.
5 Pat. Doyle.
6 F. Fishman.
7 Edw'd Power.
8 M. W. Burnham.
9 G. M. Sorrel.
560 Ja's Wray.
1 Ja's McGrath.
2 And. Ambrose.
3 Geo. Watts.
4 And. McLaughlin.
5 E. Zacharias.
6 Dennis Shea.
7 W. J. McCanly.
8 J. H. Craig.
569 Jim Harington.
570 Pat. Sheridan.
1 W'm D. Dixon.
2 Chris. Hernandez.
3 Tho's Mertagh.
4 A. Hohenstein.
5 J. Clay.
6 Tho's C. Clay.
7 Jo's Basler.
8 J. E. Compars.
9 C. C. Casey.
580 T. E. Smith.
1 Jno. F. Wheaton.
2 W. J. Sams.
3 Geo. H. Galpin.
4 E. L. Holcomb.
5 C. Hopkins.
6 Tho's Dunn.
7 P. M. Dunn.
8 Ja's A. Brown.
9 Sam'l Jones.
590 Jno. Carney.
1 F. W. Cornell.
2 J. S. Lawrence.
3 H. Andrews.
4 J. B. G. O'Neil.
5 Geo. S. Herbert.
6 C. Holmstead.
597 W. H. Everstein.
8 V. Ganelry.
9 A. P. Postell.
600 W. B. Fleming.
1 G. M. Ryals.
2 B. F. Kappel.
3 E. Hall.
4 L. G. McIntosh.
5 F. Merreke.
6 B. Powers.
7 W'm Estill, jr.
8 R. Bradley, jr.
9 A. K. Wilson.
610 J. D. Dixon.
611 Rob't A. Williams.
2 J. W. Anderson.
3 Cha's White.
4 Tho's Butler.
5 Henry Sanders.
6 E. W. Harral.
7 W. H. Dooner.
8 A. Mills.
9 E. W. Cumings.
620 Jno. Hench.
1 Cha's Anderson.
2 J. O. La Roche.
3 M. W. Baker.
4 W. H. Chaplin.
625 E. S. Muse.
6 A. H. Rahn.
7 H. S. Elliott.
8 W. Saller.
9 Isaac Bunmer.
630 W'm H. Warren.
1 August Lindner.
2 Jno. Scholtz.
3 C. Shipley.
4 Tho's Horan.
5 Jno. O. Keefe.
6 A. Starum.
7 E. Gordon.
8 A. Dutenhofer.
9 F. Champion.
640 C. D. Rogers.
1 Tho's Carroll.
2 M. Conner.
3 G. H. Sholst.
4 H. B. McCarthy.
5 J. T. B. McCarthy.
6 Jno. Bresnan.
7 W. A. Cooper.
8 B. J. Cooper.
9 Geo. E. Dunster.
650 Ja's Dolan.

1 N. Crunsten.
2 S. E. Bullock.
653 S. B. Cleveland.
4 Henry Blun.
5 M. J. Ford.
6 F. F. H. Gain.
7 E. O'Hagan.
8 F. Wessels.
9 Edw'd McCabe.
660 R. H. Conway.
1 G. T. Nichols.
2 Daniel Clark.
3 F. B. Upson.
4 M. Currigan.
5 M. Murphy.
6 Jno. Stephenson.
7 Jno. Armstrong.
8 T. L. Robertson.
9 P. B. Springer.
670 J. B. Baker.
1 J. W. Cooks.
2 M. King.
3 L. Evans.
4 W'm Mitchell.
5 Levi D. Dent.
6 Walter Castello.
7 Jno. Jeffrey.
8 Jno. McCabe.
9 H. Hube.
680 Pat. Lenahan.
1 E. H. Kelly.
682 H. Wiel.
3 M. McLean.
4 W'm Pruden.
5 James Taylor.
6 Tho's Craig.
7 Ja's A. Barron.
8 A. G. McArthur.
9 H. W. Berger.
690 C. H. Brown.
1 E. S. Abrams.
2 A. Brannan.
3 W'm Fleming.
4 Mike Tully.
5 W'm R. Boyd.
6 H. E. Bachus.
7 James Lord.
8 A. S. Gibbs.
9 A. Brannard.
700 M. S. Baker.
1 A. H. Thompson.
2 H. Cummins.
3 E. M. Purse.
4 Geo. Jansen.
5 Jno. Moore.
6 J. P. H. Perry.
7 T. B. Finney.
8 J. A. Cap.
9 Jno. Sullivan.
710 C. H. Bell.
1 Sam. B. Palmer.
2 Henry Ryatt.
3 Cha's Perry.
4 Ja's Collins.
5 Paul Brughton.
6 D. M. Dennison.
7 Hugh Reilly.
8 W'm Beltine.
9 Geo. Cork.
720 Neil Dune.
1 Rob't Mallett.
2 E. Whitney.
3 Seward Pruster.
4 R. C. Cornell.
5 Sam'l Reynolds.
6 A. Champion.
7 W. S. Clark.
8 Nicolas Allen.
9 Ja's Bennett.
730 C. Jachens.
1 P. Connelly.
2 And. Clark.
3 S. Park.
4 Rob't Williams.
5 H. E. Esdun.
6 J. B. Bennett.
7 W. H. Smith.
738 Henry Davis.
9 C. M. Harden.
740 John Onlin.
1 W'm Spears.
2 E. J. Doyle.
3 Jno. Knox.
4 P. E. Daley.
5 Jno. Smith.
6 M. S. Walsh.
7 Henry Johnson.
8 P. Ahearn.
9 J. Dowd.
750 R. F. Harmon.
1 F. Weltz.
2 J. A. Biring.
3 P. H. Deacy.
4 Ja's Sheppard.
5 Jno. Molthmar.
6 M. Darley.
7 Jno. Dix.
8 H. Chandler.
9 B. W. Hardee.
760 Jos. Beytugh.
1 Pat. Coffin.
2 F. M. Norwood.

3 Ja's Waters.
4 A. Welcher.
5 Jno. H. Martin.
766 Oscar Simmons.
7 Alex. Abrams.
8 Geo. L. Cope.
9 Jno. D. Martin.
770 M. D. Coburn.
1 W. M. Taylor.
2 G. S. Graham.
3 E. B. Henderson.
4 F. W. Langhell.
5 Rob't Barston.
6 Troup Hodges.
7 J. E. Evans.
8 W. A. Cohen.
9 C. Berdon.
780 F. W. Harris.
1 F. Haemerle.
2 W. B. Jackson.
3 Lewis Gardner.
4 W. H. Trickey.
5 S. E. Byck.
6 J. N. Paramore.
7 F. G. Sneed.
8 Alb't Brown.
9 Sa'l Gardner.
790 J. A. Sullivan.
1 W'm Bastian.
2 L. K. Smyth.
3 W'm Terrill.
794 Jno. C. Taylor.
5 Tho's Mills.
6 F. C. Trims.
7 B. Tulley.
8 W. S. Chisholm.
9 D. E. Thomas.
800 James Adams.
1 D. McGevin.
2 L. Dewitt.
3 M. L. Doyle.
4 David Bailey.
5 Cha's Davidson.
6 C. H. Morel.
7 Jno. W. Carr.
8 P. Kehoe.
9 W'm Coolidge, jr.
810 J. H. Jones.
1 Luke Logan.
2 Jno. Reardon.
3 P. H. Bradley.
4 Rob't Smith.
5 J. S. K. Axson.
6 M. J. Buckner.
7 J. A. Rose.
8 W'm Parry, jr.
9 C. P. Black.
820 Tho's Dillon.
1 John Ryan.
822 W. Duncan.
3 Ja's Smith.
4 Tho's McGuire.
5 W'm F. Bennett.
6 Tho's Canty.
7 Jno. G. Davis.
8 Pat'k O'Connell.
9 Jno. Lindustrath.
830 E. J. Colwell.
1 Geo. Ingram.
2 J. F. Hobson.
3 H. Beckett.
4 J. Graham.
5 P. McNally.
6 A. White.
7 W. Ganan.
8 A. D. Ganan.
9 A. M. Sloan.
840 Tho's Padgett.
1 Tho's Rilley.
2 W. Tolliver.
3 C. Kelley.
4 M. Duggan.
5 C. P. Martin.
6 W. F. Way.
7 H. A. Crane.
8 O. Reilley.
9 C. W. Russell.
850 Tho's Brannon.
1 J. F. Brooks.
2 W. H. Turner.
3 L. C. Downs.
4 T. B. Chisholm.
5 R. B. Cassels.
6 M. Walsh.
7 P. W. Melldrim.
8 J. F. Trichen.
9 D. K. Cathund.
860 Ja's C. Cooper.
1 Geo. H. Ash.
2 Geo. Pinder.
3 D. O'Coner.
4 R. Elliott.
5 Jno. Asendorf.
6 S. O. Talley.
7 Jno. Henigan.
8 Jno. Reilly.
9 James Reilly.
870 Jno. A. Phillips.
1 S. C. Roberts.
2 Geo. A. Hudson.

3 Geo. Benkman.
4 Jno. Swartz.
5 W. L. Baynn.
6 Cha's Hernell.
7 P. A. Walsh.
878 W. P. Carmichael.
9 C. A. Drayton.
880 W. H. Elliott.
1 Jno. Davis.
2 J. A. Chambers, jr.
3 T. Colson.
4 W. N. King.
5 W'm Creek.
6 A. Guckenheimer.
7 Tho's Ennis.
8 M. B. Grant.
9 Harry Roberts.
890 J. G. Robertson.
1 W'm Fowler.
2 W. L. Davis.
3 W. Reddick.
4 J. D. Ryan.
5 J. S. Riddell.
6 Hugh V. Best.
7 J. J. Bass.
8 R. J. Frizzell.
9 C. H. Earson.
900 Jno. W. Cameron.
1 S. N. Papot.
2 J. C. Blance.
3 Cha's Camp.
4 E. D. Meyer.
5 M. Butler.
906 Pat'k Byle.
7 Tho's Meath.
8 Ja's McGlown.
9 Jas. Smallwood.
910 Wm. Smallwood.
1 Miles Ferris.
2 J. H. Sheels.
3 W. W. Marsh.
4 Henry Stiles.
5 Jas. H. Royal.
6 W. S. Hubbard.
7 O. W. Jackson.
8 Geo. W. Penton.
9 Syr. Simpson.
920 J. McDonald.
1 Geo. Cabbly.
2 Wm. Blashlan.
3 Dewit Bryan.
4 J. H. Werntz.
5 Pat. Hagan.
6 Chas. Jansen.
7 A. Campfield.
8 P. J. LeSayer.
9 Jno. McNulty.
930 P. Drayton.
1 B. S. Spann.
2 J. D. Ware.
3 H. P. Wilson.
934 Wm. J. Furlong.
5 Jos. E. Johnston.
6 H. W. Butler.
7 R. F. Baker.
8 W. W. Morell.
9 John S. Cure.
940 E. W. Cubbedge.
1 W. H. Crumer.
2 B. W. Brown.
3 Jno. B. McIntire.
4 Pat. Murphy.
5 Joe Lacy.
6 J. C. Stephens.
7 Thos. Bergen.
8 J. W. Seyner.
9 Jas. Harlan.
950 Geo. Blake.
1 B. Duncan.
2 Jno. Swink.
3 P. Gallaher.
4 H. A. Percety.
5 Geo. S. Webb.
6 P. J. Lambeth.
7 W. W. Doty.
8 C. D. Ryal.
9 C. J. Barie.
960 C. C. Clark.
1 Jas. Burke.
962 Roger McGlown.
3 B. Grovenstein.
4 G. L. Zittroner.
5 Jno. Ryan.
6 Clovis Malone.
7 Jno. F. Cardell.
8 Jno. Sullivan.
9 J. S. Caruthers.
970 Theo. Starbuck.
1 Pat'k Robinson.
2 Geo. H. Blount.
3 Thos. Malley.
4 M. Robe.
5 Jno. B. Ellison.
6 J. P. Daley.
7 P. G. Goldin.
8 G. A. Sinclair.
9 L. A. McCarthy.
980 Jno. T. Latham.
1 Mich'l Malone.
2 P. DeLarge.
3 C. T. Davis.
4 H. Patterson.

5 M. J. Kennedy.
6 W. F. Preston.
7 L. J. Epstein.
8 A. B. Luce.
9 J. F. Luky.
990 J. J. Walsh.
1 M. Weisheer.
2 Rufus Peterson.
3 J. Hull.
4 Jno. Rotchford.
5 A. Gammert.
6 Harry Amlot.
7 J. C. Salters.
8 Edw'd Rose.
9 Thos. Higgins.
1000 J. McDonald.
1 Solomon Cohen.
2 J. Evans.
3 Thos. J. Daley.
4 R. P. Demene.
5 J. D. Orrel.
6 W. E. Wheeler.
7 Geo. F. Certes.
8 W. R. Hutchison.
9 E. L. Segner.
1010 Thos. Bremm.
1 Jno. Neill.
2 A. M. Scott.
3 W. F. Blue.
4 F. Cervean.
5 W. N. Bacon.
6 O. B. H. Johnston.
7 H. Buntz.
1018 Jno. A. Fenger.
9 H. Richardson.
1020 J. W. Cohen.
1 C. Linck.
2 J. E. Alexander.
3 David Creighton.
4 J. R. Norton.
5 T. D. Perry.
6 Jos. L. Bowles.
7 Jos. Combs.
8 W. B. McKee.
9 J. G. Allen.
1030 Jno. DeLaney.
1 J. M. Molk.
2 Jno. R. Martin.
3 W. Daniels.
4 Mich'l Waters.
5 Jas. Lindsey.
6 Cupid King.
7 W. A. Sneer.
8 James Johnson.
9 W. L. Bugart.
1040 Julius Perlinski.
1 W'm Welsh.
2 Alex. Roehl.
3 M. Ennis.
4 C. Eslade.
5 Jno. Cavanaugh.
1046 Wm. Foilliard.
7 Jno. Berner.
8 W'm W. Holland.
9 Robt. Balfour.
1050 J. W. Burroughs.
1 M. Mendel.
2 Peter Dowd.
3 Jno. Eberhart.
4 P. J. Creighan.
5 Jno. J. Sarsfield.
6 E. L. White.
7 S. P. White.
8 H. B. Chalmers.
9 J. Scully.
1060 Dan Kennedy.
1 A. G. Archer.
2 Jno. H. Ford.
3 S. Bostock.
4 W'm M. McLeod.
5 H. Gemenden.
6 Sam'l White.
7 W. C. Butler.
8 W'm A. Hearn.
9 D. Fitzgerald.
1070 Pat. Burke.
1 M. M. Delettre.
2 Dennis Clary.
3 A. L. Binswanger.
1074 J. D. Gould.
5 W'm Cohen.
6 Jas. Holland.
7 Jno. Downy.
8 Richt. Ritt.
9 L. H. Eckman.
1080 J. F. Brown.
1 W. L. Walthur.
2 Jno. Derst.
3 J. C. Cabaniss.
4 W'm Duncan, sr.
5 Thos. Glenn.
6 D. McCall.
7 Jas. M. Mordecai.
8 Hugh Maloney.
9 W'm A. Young.
1090 Barn'd E. Bee.
1 Michl Morris.
2 E. D. Smythe.
3 Rich'd Smythe.
4 Pat'k Hays.
5 J. P. Williamson.
6 J. J. Lane.

7 Peter O'Connell.
8 Geo. Lawrence.
9 W'm A. White.
1100 Dan'l Day.
1 E. D. Arden.
1102 Isaac Rawls.
3 D. D. Updegraff.
4 Patr'k O'Connell.
5 M. H. Judge.
6 R. R. Scott.
7 F. B. Smith.
8 J. G. Cohen.
9 Thos. Carr.
1110 Rich'd White.
1 R. M. Butler.
2 A. R. Cullens.
3 J. H. Estill.
4 D. J. McIntire.
5 H. H. Colquitt.
6 Geo. A. Clark.
7 W. B. Griffith.
8 P. A. Zoller.
9 N. Gerst.
1120 Geo. P. Gray.
1 S. M. Harney.
2 James Clemence.
3 W'm Gain.
4 Rich'd Dotson.
5 Jno. Doly.
6 O. H. Sufburn.
7 Jno. M. Thomas.
8 H. T. Bragdon.
9 Jacob Epstein.
1130 F. McAulty.
1 E. N. Anderson.
2 Geo. W. Anderson.
3 Jas. Hunter.
4 L. G. Young.
5 A. Haemerle.
6 P. A. Tobin.
7 John Gordon.
8 T. B. Benson.
9 James Brain.
1140 Henry Derner.
1 Luke Drynan.
2 W'm Peterson.
3 W. Lattimore.
4 A. G. Hodges.
5 Chas. G. Perry.
6 Jno. Hagan.
7 F. J. Rulkert.
8 G. J. Bulloch.
9 Jno. J. Maurice.
1150 N. M. Gomez.
1 W. A. Friend.
2 W. C. Beale.
3 F. Gamble.
4 J. Mahoney.
5 Jno. Pruden.
6 W. B. Burroughs.
7 W. H. Cotter.
1158 Henry Bustard.
9 F. M. Threadcraft.
1160 M. Donnelly.
1 Lyde Goodwin.
2 C. M. Cunningham.
3 Henry Gaw.
4 B. C. Dupont.
5 H. H. McKee.
6 M. B. Lingg.
7 Harry Holmes.
8 R. J. Artron.
9 J. W. Reilly.
1170 W'm Barber.
1 Geo. W. Parish.
2 Jim Marrim.
3 J. Coyle.
4 Thos. Henderson.
5 W. Stephens.
6 G. J. Faggart.
7 Martin Jennings.
8 Edw'd Byne.
9 Jere Walsh.
1180 Thos. Fitzgerald.
1 B. D. Parker.
2 P. J. Sexten.
3 Chas. Edmonston.
4 Pat. Sullivan.
5 A. R. Bolin.
1186 Thos. Ponder.
7 Pat. Conners.
8 D. C. Bacon.
9 W. H. Thompson.
1190 C. G. Anderson.
1 R. L. Mercer.
2 J. McCrown.
3 J. T. Smith.
4 J. Kennedy.
5 B. Talvey.
6 J. P. Bowen.
7 A. Einselin.
8 J. H. O'Byrne.
9 W'm Brown.
1200 R. M. Barthemuss.
1 N. S. McFarland.
2 J. Quilty.
3 C. S. Butler.
4 A. Bourguin.
5 Jake Freeman.
6 Jno. Reilly.
7 Jno. Kennedy.
8 J. S. Rain.

9 S. H. Greaves.
1210 Jno. Sullivan.
1 And. Flatley.
2 Geo. A. Elliot.
3 J. V. Conat.
1214 F. J. Farris.
5 F. B. Miller.
6 J. S. S. Miller.
7 P. Whalen.
8 J. Burt.
9 T. Taylor.
1220 C. H. Jones.
1 J. C. Roteroy.
2 P. Gettley.
3 J. Duncan.
4 W. O. Charleton.
5 J. Crawford.
6 G. M. Davis.
7 N. E. Waller.
8 R. Roache.
9 D. J. Rogers.
1230 W. S. Darrell.
1 C. C. Schley.
2 M. G. Pendegast.
3 W'm Dougherty.
4 E. Freeman.
5 Chas. Brown.
6 H. L. Davis.
7 A. Farmer.
8 J. H. Ceaser.
9 W. H. Cummings.
1240 J. C. L. Hardy.
1 C. Hawes.
1242 J. Devaux.
3 P. Devant.
4 H. T. Dumas.
5 J. Mahan.
6 J. D. Courpanac.
7 H. Vincent.
8 H. V. Buckheit.
9 J. J. Reynolds.
1250 P. McGuire.
1 W. H. Bohen.
2 B. Horan.
3 J. H. Kehoe.
4 J. C. Donnell.
5 B. A. Burgest.
6 E. Grant.
7 J. Hengis.
8 W. P. Harrison.
9 W. P. Fisher.
1260 J. Doyle.
1 A. H. Sadler.
2 G. B. Fillrick.
3 L. J. Keely.
4 Martin Crin.
5 L. R. Christie.
6 S. J. Elless, jr.
7 G. Bumm.
8 Terrence Nugent.
9 H. F. Willink, jr.
1270 M. Homlihan.
71 Jas. Allen.
72 W'm H. Burgess.
73 S. P. Goodwin.
74 W'm Price.
75 B. J. Cubblege.
76 Alfred Kent.
77 L. C. Berrien.
78 T. S. Walsh.
79 Luke Carsen.
80 Geo. E. Courtney.
81 F. E. Margins.
82 B. Donovan.
83 Chas. Shirts.
84 Phil. Shaffer.
85 Thos. Burke.
86 Jas. Morrissey.
87 W'm Foreman.
88 Jas. Larkin.
89 J. H. Parsons.
90 S. L. Parsons.
91 M. B. Parker.
92 John Gibbons.
93 Rich'd Turner.
94 Dan'l O'Neil.
95 James Walsh.
96 H. R. Williams.
97 Geo. Perry.
1298 W'm Quantrell.
99 Jno. Reynolds.
1300 P. McMahan.
1 Thos. Everly.
2 W. R. Evans.
3 W. C. Thomas.
4 J. Rosenfield.
5 Geo. Turner.
6 J. J. Scherer.
7 Jas. Fitzheney.
8 Jas. Gallaeat.
9 P. D. Connell.
10 S. W. Gleason.
11 Henry Hayward.
12 Michl. Daley.
13 Hugh Daly.
14 Pat'k Daly.
15 Geo. B. Welch.
16 J. S. Baker.
17 Bryan Ireland.
18 W. G. Norwood.
19 J. H. Bradley.
1320 B. E. Bradley.

1 M. Brown.
2 J. A. English.
3 Thos. Murphey.
4 G. T. Burdett.
5 W. A. Jones.
1326 Jas. H. Newberg.
7 G. W. Berry.
8 Jno. Thomas.
9 Thos. Lee.
30 E'w'd Breman.
1 Jno. S. Butler.
2 W. H. Williams.
3 T. E. Besselew.
4 M. B. Slade.
5 J. T. Bivins.
6 T. C. Falk.
7 M. J. Tripp.
8 J. A. Pacetty.
9 G. T. Brifendelt.
40 C. W. Carraway.
1 J. S. Anderson.
2 W. H. Cool.
3 L. L. Elkins.
4 G. E. Finchley.
5 W. C. Skipper.
6 H. D. Skipper.
7 Jas. T. Gowan.
8 H. Whitehead.
9 H. B. Smith.
50 Frank Williams.
1 J. J. Sutton.
2 Geo. Griffith.
3 Dan'l Claney.
1354 Thos. Carroll.
5 H. C. Warner.
6 F. M. Singer.
7 R. C. Jackson.
8 E. F. Wormsley.
9 P. J. Conners.
60 W'm Kehoe.
1 W. H. Ray.
2 L. P. Elliot.
3 John Hazzard.
4 C. Vanvust.
5 J. C. Mattrer.
6 W. H. Ferguson.
7 E. P. Rogers.
8 W. G. Brown.
9 Jno. Leonards.
70 C. Donovan.
1 Jas. Cullen.
2 J. A. Forehand.
3 G. P. Gonaz.
4 L. H. Brexley.
5 A. A. H. Davis.
6 W. M. Charters.
7 Pat. Houlihan.
8 E. P. Noyes.
9 Chas. Murphey.
80 Peter Schaffer.
1 J. Bessent.
1382 Jno. Bennet.
3 T. B. Marshall.
4 J. T. Thomas.
5 George Crotty.
6 Nelm Larnd.
7 M. J. Kennedy.
8 J. F. Zealy.
9 E. H. Smith.
90 Geo. Schaffer.
91 Pat. McGuinly.
92 Jerre Shea.
93 Wm. Fleming.
94 Henry Young.
95 J. W. McCall.
96 L. E. Mathews.
97 M. Lukaters.
98 S. H. Gallaway.
99 R. W. Holcombe.
1400 E. B. Christian.
1 H. J. McEroy.
2 P. Shea.
3 P. A. Hart.
4 John Prowder.
5 T. B. Masters.
6 F. N. Wright.
7 W. R. Born.
8 G. W. Wylly.
9 H. M. Branch.
1410 R. Lachison, jr.
11 Agy Bany.
12 S. Geobel.
13 Jno. Flahrty.
14 Thos. Brady.
15 C. F. Courvoir.
16 S. H. Tarver.
17 Chas. Mathews.
18 C. A. Withers.
19 Jos. Phillips.
1420 P. Cler.
1 R. Alley.
2 E. S. Remington.
3 B. Graeffee.
4 N. Lynch.
5 Louis Pregmer.
6 J. Murphy.
7 Wm. Shewing.
8 H. Hitner.
9 A. Munson.
30 F. J. Spain.
1 Jas. Archer.
2 H. Holloway.

3 W. P. Norton.
4 Jas. Enwright.
5 G. W. Lyons.
6 H. N. Hanmore.
7 G. T. Sheptrine.
1438 John Miller.
9 Chas. Brownfield.
40 R. Middleton.
1 J. M. Gage.
2 L. S. Catlin.
3 Jno. Cunningham.
4 J. S. Miscally.
5 B. C. Pacetty.
6 T. C. Fell.
7 J. E. Galley.
8 Geo. B. Clark.
9 J. M. Buchanan.
50 Chas. Zrick.
1 J. J. Panter.
2 J. T. Rowland, jr.
3 G. H. Keefer.
4 Preston Warner.
5 A. V. Chaplin.
6 D. R. Thomas.
7 W. E. Black.
8 Jas. M. Johnson.
9 John Schley.
60 Rich'd Kitchen.
1 Ross Holland.
2 John Murry.
3 W. O. Godfrey.
4 R. R. Brawley.
5 Alex. Miller.
1466 R. C. Fetzen.
7 E. Morehead.
8 A. W. Sheeler.
9 J. Mansfield.
70 G. M. Willett.
1 E. McFarland.
2 S. T. Baker.
3 J. G. Bennett.
4 Robt. Cross.
5 N. Shafford.
6 T. H. Fisher.
7 H. J. McDonald.
8 W. H. Berry.
9 P. Sullivan.
80 J. Scanlon.
1 J. F. Ryan.
2 Andrew McKuen.
3 W. M. Miner.
4 N. Gazan.
5 J. D. Sullivan.
6 H. Wiers.
7 H. Miller.
8 H. J. Royal.
9 C. Oddy.
1490 H. Richardson.
1 M. Burke.
2 W. C. Beeks.
3 H. R. Symons.
1494 W. McClellan.
5 J. Benton.
6 J. Einstein.
7 S. C. Steward.
8 Jas. Feeley.
9 M. Burns.
1500 N. E. Martin.
1 C. Clarey.
2 W. H. Smith.
3 G. Fitzgerald.
4 J. B. White.
5 W. G. Cooper.
6 W. H. Cardell.
7 A. S. Alden.
8 G. Gemenden, jr.
9 W. Warner.
1510 L. Broderick.
1 A. C. Sorrell.
2 W. W. Kirkland.
3 W. J. Marshall.
4 J. Harrington.
5 P. Brodey.
6 F. Catter.
7 A. Gemenden.
8 J. Flavey.
9 P. Dillon.
1520 J. Halpin.
1 John Halpin.
1522 J. F. Clark.
3 O. P. Murry.
4 H. Symons.
5 P. McAvoy.
6 J. H. Roberts.
7 F. B. Brown.
8 P. Reagan.
9 T. Walsh.
1530 John Freley.
1 L. Kayton.
2 J. T. Sturdevant.
3 J. H. Silva.
4 H. H. Baker.
5 J. Buggs.
6 J. Crowley.
7 D. O'Neil.
8 A. W. Cenny.
9 F. Kylly.
1540 J. McIntire.
1 J. Ownesell.
2 W. H. Hearns.
3 D. Roman.
4 H. Smith.

5 M. Curley.
6 J. N. Lightfoot.
7 J. R. Sheldon.
8 J. D. Meyers.
9 C. Sheridan.
1550 T. D. Downey.
1 J. M. Thiers.
2 W. Mitchelson.
3 W. Downey.
4 H. McDonald.
5 J. V. Verner.
6 G. W. Waller.
7 L. P. Ashley.
8 W. F. Freed.
9 J. F. Reilly.
1560 T. M. Wormsley.
1 Wm. Van Horn.
2 T. P. Bond.
3 H. V. Ferman.
4 W. R. Patterson.
5 L. Burban.
6 J. Conners.
7 R. W. Delaney.
8 L. Davis.
9 J. O'Donnell.
1570 G. Rankin.
1 J. W. Bacon.
2 T. Mahoney.
3 E. L. Beard.
4 O. A. Whittle.
5 E. Kane.
6 J. E. Scum.
7 J. D. Hogg.
1578 B. O. Sullivan.
9 R. Einstein.
1580 F. W. Hopkins.
1 J. Keller.
2 M. Nagle.
3 W. T. Thompson.
4 J. H. McArthy.
5 T. J. Workman.
6 Jno. Arnow.
7 Pat. Connor.
8 P. Lovler.
9 W. D. Waples.
1590 J. F. McKabe.
1 A. Baire.
2 R. Nelson.
3 C. Coberson.
4 Jno. Roach.
5 Jno. Fitzgerald.
6 J. M. Pakin.
7 Andrew Pacetty.
8 P. Ford.
9 R. Roberts.
1600 W. K. Pierce.
1 W. L. Tidwell.
2 L. A. Warfield.
3 A. Lorch.
4 Geo. W. Hall.
5 N. Egan.
1606 E. C. Nelson.
7 Edw'd Burnham.
8 A. B. Hammond.
9 A. E. Hare.
1610 W. M. Black.
1 W. Solt.
2 L. Holmster.
3 Jas. Door.
4 M. Roach.
5 E. McKabe.
6 H. Bogardus.
7 W. K. Kramer.
8 J. Malone.
9 S. A. Wood.
1620 R. R. Ledbetter.
1 J. Johnson.
2 E. W. Cannon.
3 Albert Barnwell.
4 Jno. Mentogh.
5 W. S. Blitch.
6 B. E. Wright.
7 L. C. Lanier.
8 W. T. Welsh.
9 A. McDaniel.
1630 A. Barber.
1 F. Rowe.
2 L. L. Miller.
3 J. A. Douglas.
1634 Jas. Lanham.
5 C. T. Abrams.
6 S. Conway.
7 Jno. Degnow.
8 H. C. Morgan.
9 J. H. Mead.
1640 E. J. Stokes.
1 J. C. Sandiford.
2 P. Killy.
3 F. Denemyer.
4 H. C. Cunningham.
5 F. Hart.
6 F. Pacetty.
7 W. C. Middleton.
8 D. Waldhour.
9 Jno. Prendible.
1650 C. A. Marlestine.
1 M. Claney.
2 P. McMamann.
3 Jas. Monahan.
4 F. J. McCall.
5 J. Mahoney.
6 J. Curtis.

7 L. E. McCarthy.
8 N. M. Elliott.
9 P. Kehoe.
1660 Alfred Lilly.
1 Antony Cannon.
1662 J. Quarterman.
3 J. F. Turner.
4 M. Hayden.
5 Cha's Starks.
6 P. Tarberdy.
7 R. Doyle.
8 Jacob Counts.
9 Jacob Rahn.
1670 Henry J. Wilson.
1 W'm Kerr.
2 P. Ryan.
3 S. Belsinger.
4 Jno. F. Roberson.
5 P. Lacey.
6 B. Wishes.
7 Henry Milliard.
8 Ja's Wingy.
9 John Harrison.
1680 Albert Ganahn.
1 H. Powers.
2 C. Small.
3 J. W. Brinkerhoff.
4 J. W. Brinkerhoff, jr.
5 John Johnson.
6 T. L. Rode.
7 C. F. Law.
8 W'm Newnan.
9 H. Chambers.
1690 J. B. Tarver.
1 Jno. Rutherford.
2 Ja's Wall.
3 J. S. Bay.
4 Tho's Eden.
5 J. S. Tyson.
6 J. M. C. Stevenson.
7 J. C. Prendergast.
8 C. Vetty.
9 H. O. Collins.
1700 L. Fendenburg.
1 Ja's Coyle.
2 Jos. Belsinger.
3 Jno. McDermott.
4 F. Smith.
5 J. Riley.
6 Tho's F. Thompson.
7 W. W. Carter.
8 V. S. Studor.
9 J. Cassidy.
1710 Jos. Hall.
1 H. Rybenate.
2 D. J. Quinan.
3 Cha's Smith.
4 Cha's Brown.
5 J. Conley.
6 B. Murray.
7 W. H. F. Beebee.
1718 W. L. Bethune.
9 J. B. Ripley.
1720 C. C. Hardwick.
1 G. Peters.
2 H. Lung.
3 W. H. Burroughs.
4 J. R. Alexander.
5 W. H. Burroughs, jr.
6 S. B. Goodall.
7 J. V. Bates.
8 E. J. A. Costa.
9 Jno. A. Richardson.
1730 Geo. Morris.
1 W. B. Stidwell.
2 H. P. Brickford.
3 F. Canniball.
4 Jno. Crosby.
5 Jno. A. Urquhart.
6 P. Roach.
7 S. Scanlon.
8 R. C. Mumm.
9 E. Mems.
1740 John Buchy.
1 F. O'Brien.
2 F. Smith.
3 J. T. Hickey.
4 E. Y. Hyam.
5 J. F. Bliss.
1746 J. S. Weeks.
7 W. H. Hodges.
8 O. McKenna.
9 S. W. Tebeau.
1750 J. T. Clarke.
1 C. D. C. Rhind.
2 M. Burnell.
3 Geo. Allen, jr.
4 O. B. Lamar.
5 A. Mendel.
6 E. J. Thomas.
7 E. R. Conway.
8 S. S. Davidson.
9 M. T. Duke.
1760 L. Bliss.
1 Cha's Woods.
2 L. B. Glover.
3 Jacob Cohen.
4 H. F. Segner.
5 W'm Hunter.
6 Ben Benton.
7 Pat Carliss.
8 J. Manning.

9 E. A. Ellarbee.
1770 W. H. Connerat.
1 Josh Bruyn.
2 C. J. Inghram.
3 W'm Ruan.
1774 W'm Ely.
5 Victor Pacetty.
6 W. A. Bache.
7 T. H. Palmer.
8 J. Schley, jr.
9 J. Gillam.
1780 R. M. Marlow.
1 P. C. Bates.
2 R. McIntire.
3 Tho's Maher.
4 Jno. J. Daley.
5 Tho's Jones.
6 C. C. Taliaferro.
7 J. K. Garmany.
8 J. C. Sturtevant.
9 J. E. Lambeth.
1790 J. Jones, jr.
1 E. F. R. Grayson.
2 C. F. Bauesemer.
3 Cha's McCall.
4 John Huan.
5 W. McGrath.
6 John McGrath.
7 G. W. Garmany.
8 A. W. Stokes.
9 A. McCall.
1800 W. H. Best.
1 Rob't Rourke.
1802 G. C. Serf.
3 J. F. Santina.
4 Rob't Barber.
5 M. O. Neele.
6 M. Cooley.
7 J. B. Ready.
8 Jno. O. Donnell.
9 W'm Kelley.
1810 J. Jenkinson.
1 Jno. Rowley.
2 S. M. Colding.
3 A. McCormick.
4 Rob't P. Doyle.
5 P. L. Martin.
6 Jno. Elligott.
7 B. Starks.
8 J. H. Wilder.
9 J. R. Thornby.
1820 G. E. Bevans.
1 S. P. Hamilton.
2 D. Wiggins.
3 S. P. Bell.
4 P. Hanley.
5 J. J. McArthur.
6 M. F. Joyce.
7 C. Dowten.
8 T. W. Miller.
9 W'm Dixon.
1830 Ja's Gibbons.
1 John Wetman.
2 J. L. Agnew.
3 J. Flannagan.
4 W. Cooper.
5 A. Carliss.
6 M. P. Ryan.
7 R. Bowen.
8 P. Rubbles.
9 B. R. Ganan.
1840 John Minithe.
1 Ralph Medwin.
2 J. L. J. Hammond.
3 P. J. Hawkins.
4 J. P. Collins.
5 J. B. Newton.
6 Frank Rains.
7 E. G. Cabinness.
8 B. R. Beck.
9 M. L. Exley.
1850 David O'Keefe.
1 H. Reilley.
2 Rob't Smith.
3 Tho's E. Newny.
4 Ja's Ryan.
5 Geo. W. Titcomb.
6 Geo. Hawkins.
7 W'm McSwaine.
1858 J. H. Vannetser.
9 John Davis.
1860 T. Ballentyne.
1 E. Dreyfus.
2 Jno. Tanner.
3 M. Towry.
4 L. B. Lanier.
5 Ed. McDate.
6 J. M. Smith.
7 Jos. Kane.
8 H. F. Bennett.
9 C. H. Wall.
1870 James Nagle.
1 C. J. Buntz,
2 Geo. Blatsky.
3 F. C. Brown.
4 Tho's B. Cessar.
5 Henry Cates.
6 Jno. R. Thompson.
7 Edw'd Bulkley.
8 Y. Thompson.
9 H. Ungles.
1880 W. L. Cherry.

1 A. Jackson.
2 Pat Dunn.
3 J. J. Smith.
4 John Otto.
5 R. E. Mims.
1886 E. A. Kent.
7 Ja's S. Brown.
8 C. Lee.
9 L. Carr.
1890 A. C. Nordhouson.
1 John A. Zoops.
2 Tho's Mathews.
3 Geo. Allen.
4 Rich'd Blake.
5 W. H. Smythe.
6 T. N. Philpot.
7 Geo. Anderson.
8 Henry Garrett.
9 W. S. Rockwell.
1900 L. Hardy.
1 J. McBride.
2 John McGee.
3 Jos. Lenehan.
4 W. D. Wiggins.
5 J. Lipman.
6 R. Shaffer.
7 Terrenc' Bennett.
8 John Killay.
9 M. McHenry.
1910 J. J. G. Buntz.
1 J. J. U. Buntz.
2 R. E. Lee.
3 Geo. J. Bullock.
1914 F. J. McConnell.
5 T. M. Cunningham.
6 M. O'Brien.
7 P. McGotrick.
8 John McGuire.
9 W. H. Wescott.
1920 A. H. Cole.
1 Mathew Sullivan.
2 J. C. Walker.
3 Geo. M. Cercoply, jr.
4 Tho's N. Box.
5 Ja's McCaffry.
6 M. A. Gallagher.
7 J. W. Gibbons.
8 F. W. S. Woolhopten.
9 Owen Guilford.
1930 James Campbell.
1 Pat'k Doyle.
2 W. A. Jandon.
3 C. A. Gross.
4 Geo. W. Alley.
5 A. McDuncan.
6 Dudley Cox.
7 D. Fulligan.
8 Tho's Fitzburg.
9 John Parsons.
1940 Ja's A. Gray.
1 Ely Otto.
1942 D. O'Cary.
3 Jesse Nash.
4 L. G. Graham.
5 Rob't Serbathy.
6 M. Denegin.
7 John Schrink.
8 A. G. Knapp.
9 W. S. Holliver.
1950 John Rourke.
1 J. B. Waldron.
2 Jos. T. Hasens.
3 R. Clarke.
4 F. M. Newell.
5 Sam'l Coulter.
6 James Coulter.
7 C. J. Beaty.
8 Lewis Moseley.
9 J. L. Williams.
1960 A. B. Collins.
1 H. L. Whatley.
2 M. Sullivan.
3 P. Dehoney.
4 Cha's Ganer.
5 Geo. Gilbert.
6 M. Murtough.
7 W. Rutherford.
8 P. Ratchford.
9 M. T. Connors.
1970 J. H. Kervin.
1 Tho's Wright.
2 Ja's Sheany.
3 J. D. Furguson.
4 J. B. Barthelmess.
5 A. A. Krieger.
6 Joseph Peters.
7 A. W. Clarke.
8 A S. Dunwoody.
9 Jacob Lovitt.
1980 A. P. Fox.
1 Tho's Murray.
2 R. McLaughlin.
3 N. P. Taylor.
4 A. L. Butler.
5 Jno. L. Clemence.
6 W'm Evans.
7 Henry Dale.
8 T. H. Bolshan.
9 Ephraim Hues.
1990 H. G. Everett.
1 M. D. Olivera.
2 E. C. Anderson.

3 E. C. Anderson, jr.
4 Jos. P. Brooks.
5 Cha's Cook.
6 T. F. Churchill.
7 H. Vonslahn, jr.
1998 Geo. Robins.
9 D. R. Mitchell.
2000 J. F. Miller.
1 Wm. Small.
2 L. Cannon.
3 C. L. Lodge.
4 John Claney.
5 Thos. Haley.
6 P. Wergand.
7 H. R. Rogers.
8 Jno. R. Sullivan.
9 Patrick Powers.
2010 Geo. Boldridge.
1 Wm. Anderson, jr.
2 Thos. White.
3 Andrew Sloan.
4 D. L. Thompson.
5 J. Montgomery.
6 S. P. Whitehead.
7 J. G. Wilkins.
8 J. D. Willink.
9 Wm. Jones.
2020 H. S. Stephens.
1 A. J. Strobhar.
2 W. C. Crawford.
3 A. D. Moses.
4 W. A. Kent.
5 J. J. O'Connor.
2026 John Smith.
7 Jno. F. Glatiemly.
8 David Welsh.
9 James Kain.
2030 Gregory White.
1 L. C. Butler.
2 J. B. Davis.
3 Jas. Kennedy.
4 W. B. Prider.
5 A. W. Hefferman.
6 Jas. White.
7 R. Barnwell.
8 R. Schley.
9 F. E. Puenot.

2040 C. C. Shieks.
1 P. Tanner.
2 Jno. N. Sweet.
3 E. Brown.
4 Isaac Beckett.
5 Jno. T. Murtagh.
6 Jno. Lord.
7 Geo. Sullivan.
8 G. O'Neill.
9 P. J. Bulger.
2050 H. C. Davenport.
1 Edward French.
2 E. V. Hardee.
3 W. E. Morris.
2054 M. Hagemy.
5 Tim Golding.
6 Jas. A. Brady.
7 Tom. Moore.
8 John N. Philpot.
9 Lewis Smith.
2060 H. Truchulet.
1 Jas. L. Brennan.
2 W. H. Sturtevant.
3 Wm. Downy.
4 Edw'd Brady.
5 John Lima.
6 Joseph Thompson.
7 Wm. Thompson.
8 Wm. Harris.
9 C. A. Cope.
2070 A. G. Guerrard.
2071 A. J. Mickle.
2 Richd. Nagle.
3 J. A. Cessler.
4 G. A. Zitmer.
5 Michl. Cross.
6 T. B. Mell.
7 F. J. Wilson.
8 Jno. Anderson.
9 Jno. Larkin.
2080 J. S. Ackis.
1 L. M. Ryals.
2 John Finney.
3 Peter Pitts.
4 Tim Kirby.
5 Dan'l Lanaham.
6 A. G. Smith.

GEORGIA, *Chatham County:*

We hereby certify the foregoing to be a true and correct list of voter as polled this day.

Savannah, November 5th, 1872.

JAMES P. K. CARR, *Clerk.*
B. GRAY, *Clerk.*
WILLIAM COOLIDGE, *Clerk.*

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Dec. 24, 1872.

The foregoing pages contain a correct copy of the original poll-list on file in this office.

Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT C C.—BOX 2.

GEORGIA, *Chatham County:*

List of persons voting at the court-house in the city of Savannah, Chatham County, State of Georgia, at the election held on Tuesday, the fifth day of November, A. D. 1872, for eleven electors to cast the vote of the State of Georgia for a President and Vice-President of the United States of America, and also for one member of Congress for the first congressional district of Georgia.

1 L. S. Hant.
2 I. P. Herrick.
3 M. Mendel.
4 D. Soloman.
5 F. J. Fox.
6 G. T. Laws.
7 O. B. Johns.
8 T. Numson.
9 R. I. Henry.
10 B. D. Morgan.
1 M. Handy.
2 S. Farley.
3 A. Gimmons.
4 A. Russell.
15 D. Floyd.
6 T. Stevens.
7 T. Nelson.
8 T. Walters.
9 J. Jackson.
20 G. Fields.
1 S. Liver.
2 C. Faster.
3 J. Adams.
4 G. J. Hamilton.
5 P. Middleton.
6 A. Jones.
7 W. Hall.
8 H. Handy.
29 N. Ferguson.
30 J. T. Freeman.
1 H. Macket.
2 J. D. Keep.
3 D. Adams.
4 J. Brown.
5 B. Fiffion.
6 T. Jefferson.
7 I. Cally.
8 H. Bows.
9 P. M. Larose.
40 I. Wadley.
1 T. Butler.
2 E. Fisher.
3 R. Jefferson.
4 C. Converse.
5 H. Jackson.
6 L. Barien.
7 C. Hasten.
8 I. Graham.
9 J. O'Neal.
50 J. Gregory.
1 T. B. Middleton.
2 J. H. Russell.
3 L. Brown.
4 C. Anderson.
5 A. Gammel.
6 H. Bolding.
57 C. Smash.
8 T. Evans.
9 H. Helaton.
60 F. M. Molina.
1 W. Russell.
2 J. Franklin.
3 J. Garrett.
4 C. Matthews.
5 C. Mohill.
6 M. Gaynor,
7 L. Gordorn.
8 W. Gordon.
9 J. Harrison.
70 R. Julott.
1 J. Atkins.
2 H. Anderson.

3 A. Gilliart.
4 J. Fahy.
5 F. J. Morger.
6 R. J. Lawton.
7 S. Hendrick.
8 J. O'Conner.
9 W. H. May.
80 H. Herndon.
1 C. Carroll.
2 G. Lendner.
3 J. J. McGower.
4 H. H. Rawle.
85 J. Kootman.
6 W. H. Kelley.
7 J. McIntosh.
8 S. M. Malone.
9 R. R. Habersham.
90 M. Lufbur.
1 C. A. McGill.
2 P. J. Kennedy.
3 J. R. Hamlet.
4 J. A. Staley.
5 J. K. Mullilen.
6 J. N. Lewis.
7 R. W. Cape.
8 T. Glenn.
9 W. P. Wells.
100 A. Almstead.
1 E. S. Kooter.
2 J. Mahan.
3 J. M. Kinsley.
4 F. I. Holmus.
5 J. Ash.
6 P. McCarther.
7 J. Fitzgerral.
8 W. Larke.
9 T. Hyson.
10 F. M. McIntire.
1 F. W. Connors.
2 J. R. Munroy.
113 W. McGraw.
4 F. McAlin.
5 M. Ryan.
6 M. Apple.
7 A. McAlvin.
8 J. Clensy.
9 C. H. Lyons.
120 J. D. Rose.
1 W. C. Lyons.
2 R. Founder.
3 M. Paton.
4 J. Houlianhan.
5 A. Johnson.
6 J. Morrow.
7 T. S. Sandford.
8 T. McFall.
9 A. H. Gastin.
30 E. White.
1 P. Gordon.
2 A. Delagle.
3 W. Holland.
4 H. Davis.
5 S. Bradley.
6 A. Davis.
7 G. A. Wight.
8 W. Silas.
9 L. Perkins.
40 L. Delihee.
141 H. Norman.
2 R. Benson.
3 B. F. McKimmish.
4 J. K. Ray.
5 S. E. Blister.
6 E. T. Teaster.
7 J. Fitzgerrald.
8 C. H. Cuhler.
9 J. T. Hogg.
150 J. Bisherim.
1 J. H. McCarther.
2 T. Spearing.
3 F. G. Benette.
4 H. Gole.
5 M. McCall.
6 H. Williams.
7 J. King.
8 A. M. Evans.
9 C. Butler.
60 J. Cummings.
1 E. Felox.
2 W. Brown.
3 E. Brammon, jr.
4 H. Hamilton.
5 J. Wright.
6 W. Jackson.
7 D. Singleton.
8 W. Farley.
169 J. Braughton.
70 A. Atty.
1 J. S. Habersham, jr.
2 C. A. Fulton.
3 R. Y. Fannin.
4 C. Cuthbert.
5 H. Remshert.
6 A. Burnette.
7 P. Fully.
8 J. Ferguson.
9 J. Glan.
80 T. Johnson.
1 P. Mankin.
2 J. Bonner.
3 L. A. Lawrence.
4 S. Robinson.

5 R. Garrot.
6 T. O'Neal.
7 J. Murray.
8 M. O. Bryan.
9 N. Jenkins.
90 P. Glenn.
1 H. Underwood.
2 M. First.
3 A. McIntosh.
4 C. A. Cloud.
5 F. B. Powell.
6 Z. Falk.
197 C. H. Chapman.
8 V. Hicks.
9 I. Stegar.
200 B. O'Connor.
1 H. H. Ray.
2 F. Clay.
3 A. McIntosh.
4 G. Flowers.
5 P. Nolen.
6 T. Harriss.
7 W. Morton.
8 M. Marshall.
9 H. Morton.
10 R. O'Neal.
1 A. Peters.
2 J. A. Graff.
3 W. O'Connor.
4 J. Gibbs.
5 C. Morell.
6 J. Poter.
7 T. Gray.
8 A. Wright.
9 T. Bryce.
20 M. Bell.
1 H. Huger.
2 J. Brown.
3 T. Canvas.
4 V. Young.
225 A. Polker.
6 B. Baker.
7 F. Williams.
8 A. Green.
9 C. Rothchils,
30 L. Stolks.
1 B. Jenkins.
2 R. Reiley.
3 C. Francis.
4 H. Dillegard.
5 Geo. Alleron.
6 J. Sinstock.
7 J. Thompson.
8 D. McCrage.
9 J. Horton.
40 M. M. Meyerson.
1 W. W. Walsh.
2 G. N. Styles.
3 E. Richerson.
4 W. A. McKensey.
5 G. T. Crouhan.
6 H. Brooks.
7 J. Grant.
8 J. Jenkins.
9 J. Williams.
50 W. Mass.
1 C. Clements.
2 E. Lowery.
253 J. C. Fitzgarrald.
4 T. Levey.
5 T. Whitfield.
6 C. Harriss.
7 H. Bacon.
8 H. J. Luckee.
9 A. Green.
60 W. F. Simmons.
1 J. H. Remshart.
2 G. W. Scott.
3 C. Jackson.
4 K. Kayton.
5 M. Chisolm.
6 L. McNeal.
7 A. Bennett.
8 A. Habersham.
9 W. M. Gibbons.
70 R. Stewart.
1 J. Goldfinch.
2 R. Talbot.
3 R. Stewart.
4 R. Jackson.
5 M. Tounsen.
6 A. Huston.
7 J. Polite.
8 R. Mohead.
9 T. Burton.
80 J. Brown.
281 L. Williams.
2 W. W. Chisolm.
3 C. A. Cook.
4 D. C. Cook.
5 R. Redone.
6 E. Calasso.
7 J. Mitchell.
8 G. Williams.
9 W. Chatfield.
90 W. Everly.
91 L. Scott.
2 S. Wiggins.
3 J. Grant.
4 M. Drayton.
5 J. S. Bothemus.
6 J. Levan.

7 J. D. A. Sprig.
8 J. A. McCabe.
9 E. Epslick.
300 F. R. Sweat.
1 S. Herman.
2 C. Squire.
3 J. C. Thomas.
4 H. Rosenthal.
5 M. H. Tralow.
6 S. Law.
7 A. Houston.
8 A. T. Smith.
309 A. McFall.
10 R. Bowlden.
1 T. Nelson.
2 J. Gordon.
3 D. Jenks.
4 L. Johnson.
5 R. Williams.
6 A. Russell.
7 A. Sheldon.
8 E. W. Gither.
9 F. J. Gordon.
20 S. E. Tucker.
1 A. Josephs.
2 A. Jones.
3 A. E. Witherton.
4 L. M. Shift.
5 E. Glassy.
6 J. Bendego.
7 F. F. Wallace.
8 H. Rich.
9 M. H. Smith.
30 James H. Reid.
1 T. Gorman.
2 H. Joiner.
3 J. Bob.
4 J. W. Nevill.
5 T. Grant.
6 B. Stubbs.
337 M. Middleton.
8 H. Johnson.
9 J. R. Johnson.
40 J. Buestine.
1 W. Tutton.
2 H. Carroll.
3 W. Carter.
4 J. H. Halligan.
5 A. W. Bristow.
6 J. McGinley.
7 W. W. Paine.
8 J. F. Sweat.
9 W. H. Weeks.
50 W. F. Rogers.
1 J. G. Haywood.
2 G. H. Hall.
3 H. Miller.
4 H. G. Rowe.
5 H. W. Hildebrande.
6 J. Munson.
7 A. J. Miller.
8 T. Wright.
9 G. Hanes.
60 G. N. Henry.
1 C. Groas.
2 G. A. Staley.
3 L. P. Jerredon.
4 R. Malina.
365 E. Jones.
6 J. G. Watts.
7 J. T. Bird.
8 W. G. Clan.
9 S. Coe.
70 J. W. Lathrop, jr.
1 J. R. Phillips.
2 W. C. Sadler.
3 M. Harriss.
4 A. McIntosh.
5 B. Irvin.
6 J. Stewart.
7 C. Proctor.
8 J. H. Jackson.
9 P. Butler.
80 P. Talbot.
1 M. Sticks.
2 S. May.
3 L. T. Whitcomb.
4 D. L. Haggot.
5 G. Ranston.
6 J. Taylor.
7 L. A. Godphrey.
8 T. Loyd.
9 J. Dellnoy.
90 P. Burress.
1 W. T. Minor.
2 W. Goldsmith.
393 F. Miller.
4 W. L. Clay.
5 J. Hunter.
6 L. Minus.
7 J. R. Smith.
8 J. O. Hara.
9 J. N. Hogan.
400 J. Spiel.
1 J. Luther.
2 W. Miggledoth.
3 E. B. Peck.
4 D. R. Kennedy.
5 R. H. Footman.
6 J. A. Proctor.
7 N. T. Pindar.
8 J. Laud.

9 S. Sullivan.
10 J. T. Rosser.
1 H. B. Richmond.
2 G. B. Lamar.
3 L. L. Grabill.
4 J. Rees.
5 S. J. Myers.
6 C. Washington.
7 J. Hammon.
8 A. Middleton.
9 J. Spaulding.
20 S. Wright.
421 M. Anderson.
2 J. Holliday.
3 D. More.
4 E. T. Rogers.
5 M. Norton.
6 J. Kinsey.
7 P. Garrot.
8 B. McDaniel.
9 Mac Randall.
30 S. Small.
1 P. Bee.
2 W. B. Hagood.
3 C. Jackson.
4 John Rean.
5 J. L. Malatt.
6 Lu. Housby.
7 W. Harris.
8 H. Jackson.
9 Jno. Dion.
40 J. Silver.
1 W. Royal.
2 R. Smith.
3 J. Fountain.
4 F. Vontall.
5 A. Anderson.
6 T. Williams.
7 J. Baker.
8 Tho. Jenkins.
449 H. Hall.
50 J. L. Whitcomb.
1 B. Hart.
2 P. J. Mayer.
3 G. Green.
4 A. Taylor.
5 H. Brighin.
6 Job Middleton.
7 M. J. Solomon.
8 N. Loker.
9 D. E. Parsons.
60 T. H. Mayer.
1 Tho's Jackson.
2 J. Adams.
3 T. Campbell.
4 J. J. Abrams.
5 M. Adams.
6 J. Harriss.
7 A. T. Mirron.
8 C. K. Osgood.
9 G. C. Haywood.
70 R. H. Sullivan.
1 R. Lampright.
2 M. Small.
3 L. Goldsmith.
4 A. Bailey.
5 J. Harris.
6 G. Black.
477 C. Spence.
8 J. Ward.
9 B. McNain.
80 L. Phrin.
1 C. Galvin.
2 R. Robinson.
3 M. Houston.
4 W. F. Johns.
5 E. D. Foreman.
6 Ja's Burr.
7 Cor. Jones.
8 F. Harmon.
9 J. Ginkins.
90 S. Harriss.
1 C. Stewart.
2 J. Sulivan.
3 L. House.
4 A. Newman.
5 P. Barian.
6 J. Savage.
7 F. Deligas.
8 Geo. H. Stone.
9 W. Bolton.
500 N. Henders.
1 M. McReen.
2 Geo. Johns.
3 J. Murphey.
4 E. S. Hales.
505 C. Ingram.
6 H. Johnson.
7 W. H. Fecold.
8 S. Gormer.
9 C. Francis.
10 R. Schaff.
1 W. H. Daniels.
2 J. Brown.
3 L. Berrien.
4 M. Wright.
5 E. Jackson.
6 W. H. Mathews.
7 Jo. A. Simmons.
8 Jno. Hilliard.

9 W. Spencer.
20 J. Smith.
1 M. Walker.
2 T. W. Sims.
3 A. W. Peas.
4 H. C. Calvin.
5 J. W. Lawton.
6 T. Murphy.
7 H. T. Bren, jr.
8 J. B. Fernandez.
9 M. Bowdony.
30 J. D. Crewson.
1 H. Cammel.
2 P. Law.
533 J. T. Hardon.
4 A. G. McCowall.
5 D. Decoy.
6 B. Strous.
7 C. D. King.
8 E. Robinson.
9 B. B. Brown.
40 B. Austin.
1 L. Y. Gibbs.
2 A. Mitchell.
3 R. Falligant.
4 N. Wright,
5 N. Dickson.
6 N. P. Robinson.
7 S. Bryan.
8 D. McLoud.
9 Geo. Weeks.
50 Chas. McLoud.
1 D. Sullivan.
2 J. Flanery.
3 S. Meinhart.
4 Jas. Mining.
5 G. Gome.
6 R. Brown.
7 Thos. Jones.
8 A. Briston.
9 J. Coleman.
60 D. Harrison.
561 S. Persons.
2 Geo. Jackson.
3 A. W. Willams.
4 Geo. Bradley.
5 A. C. Mapp.
6 F. Gunan.
7 Thos. Robinson.
8 H. Pulmas.
9 D. Elison.
70 W. Rose.
1 Chas. Fagan.
2 J. Hirus.
3 J. G. Redding.
4 J. Hartridge.
5 J. Middleton.
6 Chas. Marshall.
7 A. Denigall.
8 C. S. Hardee.
9 R. E. Lester.
80 F. McRae.
1 W. H. Bullock.
2 J. C. Wood.
3 J. A. Power.
4 R. Maxwell.
5 P. Sears.
6 J. L. Gibbs.
7 A. Gurin.
8 W. Green.
589 M. Harriss.
90 B. Green.
1 J. Clark.
2 C. C. Murphy.
3 T. Williams.
4 M. McCarthy.
5 R. Gibbons.
6 D. Cooper.
7 D. A. Salban.
8 H. Hull.
9 J. Murphy.
600 W. D. Harden.
1 J. L. Rankin.
2 J. Crassy.
3 W. Brown.
4 J. Gary.
5 M. Seveurs.
6 M. Grant.
7 T. A. Morell.
8 Rob't Bagner.
9 A. Kohler.
10 Peter Wakefeild.
1 F. Morgan.
2 John Douglass.
3 E'w'd Habersham.
4 R. W. Russell.
5 R. C. Brown.
6 Hugh Waddell.
617 A. W. Silva.
8 Isaac Fogarty.
9 A. C. Miller.
20 W'm Stevens.
1 Abram James.
2 Jas. O'Byrne.
3 W. P. Lake.
4 F. McCoy.
5 M. S. Wilkins.
6 L. Noble.
7 W. Shellman.
8 George Cooper.
9 Jas. Dennison.
30 Jas. Dennison, jr.

1 D. G. Purse.
2 Stephen Fleming.
3 Henry R. Jackson.
4 A. R. Lawton.
5 Jacob Miller.
6 Henry Huggins.
7 A. Hines.
8 A. Hines, jr.
9 Ceaser Pooter.
40 D. Williams.
1 Geo. Wilson.
2 A. Shelman.
3 Jno. M. Cooper.
644 B. B. Ferrell.
5 Sam'l Quarterman,
6 W. N. Habersham.
7 Joseph Ferris.
8 G. T. Jones.
9 R. Smith.
50 E. Labash.
1 J. McGuire.
2 N. H. Starboard.
3 J. O. Mehannan.
4 S. A. Ranger.
5 L. J. Thompson.
6 R. Ferguson.
7 L. Ward.
8 W. M. Williams.
9 E. Brannon.
60 M. Jones.
1 J. A. Goin.
2 L. Fersdenberg.
3 B. Smith.
4 B. Smith, sr.
5 C. H. Miller.
6 E. B. Falker
7 T. M. Lafitte.
8 T. Hanson.
9 R. S. Sanders.
70 A Grum.
1 R. Gofrey.
672 M. Staley.
3 R. Solomans.
4 D. Floyd.
5 J. Henry.
6 E. P. Phillips.
7 J. Stoddard.
8 J. Grady.
9 G. Johnson.
80 J. Smith.
1 N. James.
2 A. Davis.
3 T. Ferrabee.
4 P. Roberts.
5 H. Butter.
6 R. Guilford.
7 F. Williams.
8 P. Carter.
9 S. Carter.
90 J. G. Prental.
1 J. Pustell.
2 W'm Pittman.
3 D. Richards.
4 F. Dickson.
5 E. D. Doffer.
6 J. D. Parramer.
7
8 J. M. Middleton.
9 E. Pollard.
700 J. Carter.
1 Alfred Pinks.
2 Henry Beckett.
3 N. Folsom.
4 J. Motten.
5 J. W. Gilkins.
6 W. Estell, jr.
7 J. D. Fish.
8 J. N. Williams.
9 C. Steenberg.
10 J. T. Case.
1 J. D. Jessey.
2 A. W. Bandey.
3 H. Rothchilds.
4 M. J. Galignur.
5 T. May.
6 J. F. Tynoe.
7 Henry Bryan.
8 Jas. Taylor.
9 S. McIntosh.
20 W. B. Sturtvant.
1 W. G. Mann.
2 W. H. Bruen.
3 A. Brown.
4 Geo. Gay.
5 J. W. Cook.
6 G. Adkinson.
7 J. Chavers.
8 J. W. Johnson.
729 W. Sheftail.
30 J. E. Grady.
1 J. Simpson.
2 W'm Hicks.
3 A. Adams.
4 Chas. Macfur.
5 C. Swats.
6 P. Reilly.
7 B. Grant.
8 T. Grant.
9 W. Burnett.
40 P. Coleman.
1 H. Sanders.
2 T. Cook.

3 J. Whit.
4 R. P. Meyers.
5 J. P. S. Houston.
6 A. J. Franklin.
7 O. S. Miscally.
8 Jas. Higner.
9 S. Pinckney.
50 D. Fitchgerald.
1 S. Williams.
2 R. Moultrey.
3 A. F. Harriss.
4 B. Goode.
5 R. Jackson.
6 N. Williams.
757 R. Johnson.
8 J. Hicks.
9 H. H. Woodbridge.
60 C. W. West.
1 Geo. A. Keefer.
2 S. Walker.
3 S. Bennett.
4 S. J. Grain.
5 G. H. Swift.
6 J. Randafft.
7 J. S. Kinloft.
8 J. C. Harriss.
9 P. McIntire.
70 H. Burton.
1 R. Brown.
2 J. A. Graves.
3 J. Sarr.
4 S. Gibbons.
5 G. F. Manchester.
6 E. Payne.
7 J. Becon.
8 F. M. Hull.
9 M. Houston.
80 C. Bates.
1 J. Goul.
2 J. Edwards.
3 E. O'Brien.
4 F. Mitchell.
785 F. Fulton.
6 E. Simmons.
7 A. Williams.
8 B. Carroll.
9 Ben. Young.
90 M. Y. Henderson.
1 G. Merton.
2 J. Gates.
3 J. McAlpin.
4 J. Maher.
5 J. H. Rowe.
6 M. Hennesee.
7 W'm Ebbs.
8 M. Hamilton.
9 W. A. Russell.
800 Henry Lewis.
1 A. Bird.
2 Jno. Crosby.
3 W. Dorman.
4 E. McCorman.
5 M. M. Belisano.
6 M. Hinges.
7 R. Simons.
8 B. Box.
9 W. Hussey.
10 A. Lefler.
1 J. H. Height.
2 Fred Holmes.
813 Lt. Sleyd.
4 J. Miller.
5 G. S. Watts.
6 C. Rutledge.
7 J. Williams.
8 H. Holmes.
9 T. Leiber.
20 J. Jackson.
1 C. Caton.
2 J. M. Murphy.
3 N. Jones.
4 T. M. Fleetwood.
5 O. Collier.
6 Geo. Middleton.
7 C. Davison.
8 W'm Hays.
9 D. Greer.
30 L. Sheftall.
1 J. Floyd.
2 R. Johnson.
3 A. Rah.
4 H. Tow.
5 A. Lewis.
6 O. E. Watlet.
7 W. H. Pratt.
8 J. Henley.
9 J. E. Harvey.
40 J. H. Barker.
841 A. Wagler.
2 S. Loyd.
3 J. Williams.
4 W. R. Curr.
5 H. Street.
6 D. A. Ames.
7 J. E. Cornell.
8 T. Maxwell.
9 W. Dalto.
50 D. Burrs.
1 W. P. Grarand.
2 O. C. Smith.
3 W. H. Tyler.
4 W'm Freeman.

5 Geo. Savage.
6 S. Glomer.
7 S. Gleason.
8 R. Powell.
9 M. Rensler.
60 E. M. Ellegot.
1 G. S. Wayne, sr..
2 Maijsawes.
3 J. Stevens.
4 J. Clark.
5 D. Defcloss.
6 Joe. Bobs.
7 A. Irwin.
8 T. Wilson.
869 A. Furguson.
70 C. Gordon.
1 J. Jones.
2 Jas. Nolan.
3 W. Waterman.
4 T. Jalfitch.
5 D. S. Puisse.
6 J. B. Howell.
7 C. Roumalsen.
8 I. R. Raines.
9 Wm. Robinson.
80 Wm. Law, sr.
1 D. A. McAlpin.
2 R. Johnson.
3 Geo. G. N. McDonald.
4 Geo. Talton.
5 M. Lay.
6 J. S. Dillon.
7 M. Miller.
8 H. Westrick.
9 J. Gay.
90 J. B. Cook.
1 H. A. Lumberson.
2 G. F. Null.
3 C. H. Cooley.
4 W. H. Lincoln.
5 J. N. Gauray.
6 W. A. Walker.
397 C. C. Pendergast.
8 G. L. Mertens.
9 Jno. A. Devereaux.
900 W. H. Smith.
1 Thos. Boles.
2 A. Denthreck.
3 W. Ray.
4 M. Winslkir.
5 C. W. Bryan.
6 D. McConnel.
7 J. Sheftall.
8 W. W. Mock.
9 C. Bacon.
10 L. Brown.
1 S. O'Neal.
2 A. Law.
3 Geo. Washington.
4 F. Anestead.
5 W. A. Girrard.
6 W. R. Norris.
7 J. I. Williams.
8 Jno. Cochran.
9 J. Cuthbert.
20 J. McHugh.
1 W. O. Dorsey.
2 J. Bacon.
3 J. Flaherty.
4 Jno. Russell.
925 J. B. King.
6 B. Sward.
7 Wm. Law.
8 A. C. Cooper.
9 W. H. Cooper.
30 D. G. Goul.
1 C. Mathers.
2 J. Allen.
3 A. Cumming.
4 F. M. Geid.
5 Wm. Greece.
6 G. W. King.
7 H. Hing.
8 J. C. Humphreys.
9 T. Jones.
40 J. Sheftall.
1 D. Hirsch.
2 Chas. Leed.
3 W. A. Walker.
4 C. Williams.
5 C. Y. Miller.
6 J. Haines.
7 E. W. Lamar, sr.
8 J. S. Farrell.
9 P. Blocker.
50 T. B. Peck.
1 S. Bellinger.
2 J. Dailey.
953 R. F. Barnes.
4 A. D. Knight.
5 J. Bubiss.
6 F. Colfs.
7 L. B. Enrich.
8 B. Madison.
9 A. Williams.
60 J. M. Geary.
1 J. E. McIntyre.
2 H. Gallaher.
3 J. A. Henze.
4 J. Green.
5 T. Flemming.
6 R. C. Ware.

7 A. Johnson.
8 Dick Lambert.
9 Gus Welborn.
70 J. R. Habershare.
1 L. Wallace.
2 W. B. Well.
3 A. S. Quarterman.
4 G. Morgan.
5 J. Lunday.
6 E. Hill.
7 E. Collins.
8 F. Bizard.
9 W. Haynes.
80 C. Banks.
981 W. Lewis.
2 A. Baron.
3 M. C. Murphey.
4 C. H. Townsend.
5 P. Price.
6 J. Tallen.
7 A. Goodwin.
8 S. Young.
9 S. Baker.
90 H. Baker.
1 Wm. Berrem.
2 Chas. Green.
3 O. Huston.
4 A. Fernandez.
5 B. C. Johnson.
6 D. B. Patterson.
7 T. Muller.
8 Wm. Haupt.
9 J. F. O'Brien.
1000 J. Oliver.
1 D. McIntosh.
2 C. W. Brown.
3 R. B. Habersham.
4 O. T. Shaffer.
5 Thos. Walker.
6 D. Jinkins.
7 Q. Samin.
8 J. D. Will.
1009 W. H. Hole.
10 J. Ratcliffe.
1 J. Laujazzi.
2 H. Crawford.
3 J. B. Kennedy.
4 C. W. King.
5 W. Duegall.
6 D. Wickham.
7 Wm. McGriff.
8 W. E. Owens.
9 A. Connell.
20 F. Alton.
1 J. W. Hunter.
2 A. E. Holland.
3 F. Hawnen.
4 R. Herold.
5 W. Manning.
6 C. Torring.
7 Wm. Muffet.
8 P. N. Garretts.
9 T. J. Mallor.
30 J. O'Brien.
1 W. Anderson.
2 W. Woods.
3 W. W. Sawles.
4 J. J. Mallory.
5 W. W. McHasell.
6 P. L. Kimsey.
1037 T. W. Wager.
8 R. Van Gieson.
9 Jas. Howell.
40 L. Camfren.
1 N. J. Flynn.
2 T. Cullen.
3 C. C. Owely.
4 P. McGarraty.
5 J. S. Toolen.
6 P. McMirk.
7 J. Wellborn.
8 F. F. Mallory.
9 Jno. W. Spar.
50 W. B. Herie.
1 H. H. Fregerson.
2 D. H. Galloway.
3 R. Turpentine.
4 C. Archey.
5 P. Miller.
6 T. Smith.
7 A. McConnoll.
8 J. V. Huston.
9 C. Hartman.
60 J. Harrison.
1 Owen Sharp.
2 Z. Harriss.
3 A. Smith.
4 J. B. Cohen.
1065 J. S. Tynon.
6 J. Litton.
7 C. W. Lafitte.
8 L. A. Rush.
9 D. E. Hagan.
70 Jno. Simren.
1 B. Dehlves.
2 W. Owens.
3 J. C. Metzker.
4 D. Rogers.
5 R. D. Arnold.
6 W. Walace.
7 E. B. Sutton.
8 S. W. Williams.

9 A. L. Robbier.
80 E. Sheftall.
1 Chas. Jefferson.
2 M. Waring.
3 H. D. Herdman.
4 H. R. Remshant.
5 J. Williams.
6 B. L. Jackson.
7 A. Collins.
8 C. Biggers.
9 H. L. Bradley.
90 J. H. Nash.
1 H. W. White.
2 E. Nesbitt.
1093 E. D. Cave.
4 R. Wesley.
5 J. C. Habersham.
6 W. Harrell.
7 J. Henry.
8 N. Watson.
9 P. R. Young.
1100 Jas. McHennon.
1 A. Lears.
2 L. Putzell.
3 G. Jackson.
4 J. S. Babcock.
5 Wm. Flowers.
6 H. Jackson.
7 J. A. Miller.
8 J. McDonald.
9 J. J. McDonald.
10 E. Sterling.
1 G. B. W. Hunter.
2 Thos. Roonan.
3 W. Brown.
4 D. Lewis.
5 J. Buisard.
6 Geo. Baker.
7 H. Hills.
8 R. Nugent.
9 J. Simmons.
1120 J. Gibbons.
1121 J. Garner.
2 L. S. Dobbs.
3 B. W. Basley.
4 B. S. Herndon.
5 H. H. Herring.
6 J. A. B. Stuart.
7 J. W. Fowler.
8 B. O. Scott.
9 C. Williams.
30 C. D. Henry.
1 C. H. Heidt.
2 H. Newton.
3 J. F. Merten.
4 G. W. Papold.
5 W. S. Meyer.
6 J. Ehilick.
7 J. L. Merten.
8 J. W. Wober.
9 M. Cole.
40 J. Roos.
1 J. Marshman.
2 S. Merrow, sr.
3 W. Derrier.
4 T. B. Hughes.
5 W. Gidden.
6 Thos. Benedict.
7 B. A. Zarrow.
8 G. Jackson.
1149 J. Cuthbert.
50 R. F. Ferrell.
1 D. B. Pierson.
2 Jno. Adams.
3 Wm. Kelley.
4 Geo. Law.
5 R. Statt.
6 R. Fogerty.
7 J. Way.
8 A. Mitchell.
9 W. Flanery.
60 Henry H. Lee.
1 B. Garratt.
2 T. McLanyan.
3 J. Coleman.
4 J. J. Goldwine.
5 Geo. S. Nichols.
6 Z. N. Uinkler.
7 M. H. Wiscally.
8 J. Cosman.
9 R. Garrison.
70 M. Johnsen.
1 J. Bube.
2 W. Remhart.
3 W. H. Remhart.
4 S. Jackson.
5 H. Farley.
6 J. Douglass.
1177 H. I. McDonough.
8 D. Williams.
9 J. Walfore.
80 H. A. Herrick.
1 James Smith.
2 H. Stuart.
3 A. Smith.
4 T. Holcombe.
5 L. W. Falligant.
6 Jas. Slines.
7 W. J. Stafford.
8 W. A. Ross.
9 A. P. Ravenel.
90 A. S. Stafford.

1 W. C. Sullivan.
2 A. Miller.
3 W. B. Francis.
4 P. Parker.
5 E. Durand.
6 J. M. Johnson.
7 H. Rokintny.
8 L. M. Hamilton.
9 J. S. Morrell.
1200 Henry Bryan.
1 J. Hamilton.
2 E. Irwine.
3 A. Freeman.
4 T. Rivers.
1205 G. Larenden.
6 H. R. Brown.
7 J. D. Bryan.
8 Jno. O'Connor.
9 E. H. Baker.
10 S. Lee.
1 P. Capressebell.
2 E. Haywood.
3 J. Bryan.
4 Jno. K. Harrett.
5 H. Williams.
6 W. Johnson.
7 S. Charlton.
8 J. Chalton.
9 J. Holmus.
20 J. Pugh.
1 W. H. Grady.
2 Geo. Green.
3 C. Snyder.
4 S. W. Goode.
5 R. S. Williams.
6 W. A. Gammell.
7 L. Lauser.
8 Jas. Gillens.
9 J. C. McGowan.
30 E. Nohins.
1 R. Elison.
2 J. Graham.
1233 Jas. Allen.
4 L. W. Landshire.
5 A. Noble.
6 P. Kennedy.
7 P. Dennisen.
8 Wm. James.
9 J. T. Laffarge.
40 A. Henderson.
1 R. H. Lewis.
2 A. Browne.
3 J. Thomas.
4 A. Brown.
5 M. Hanley.
6 J. Maddock.
7 J. Bryan.
8 C. Young.
9 B. McCullock.
50 W. A. Spence.
1 L. N. Wall.
2 W. H. Hooker.
3 P. Street.
4 A. Loyde.
5 B. Forde.
6 J. Duffey.
7 D. Wallace.
8 H. A. Palmer.
9 M. Tufts.
60 J. A. Curley.
1261 J. Williams.
2 A. Bradley.
3 A. Simmons.
4 J. Rowe.
5 Thos. Basket.
6 J. Turner.
7 W. Wilson.
8 J. H. Kelley.
9 O. Malburge.
70 W. S. Hawkins.
1 T. Wienhart.
2 G. Gross.
3 L. Gregory.
4 Thos. Flood.
5 J. Davis.
6 J. T. Munroe.
7 J. Lankister.
8 T. Taylor.
9 J. Gaines.
80 H. Tompkins.
1 S. Oliver.
2 J. Johnson.
3 E. Crane.
4 J. W. Miller.
5 R. Tommins.
6 T. M. Meyers.
7 F. Powell.
8 G. Gross.
1289 W. Law.
90 T. Meyer.
1 D. Green.
2 W. Green.
3 J. Kenney.
4 M. Clary.
5 J. Shorten.
6 J. Evans.
7 A. J. Pollard.
8 J. Fernandez.
9 C. Benjamin.
1300 T. J. McAvery.
1 Geo. Simons.
2 Wm. Stewart.

3 A. J. McNiel.
4 P. Wicks.
5 W. Ludden.
6 J. Harrisson.
7 H. Cormac.
8 E. Wiggins.
9 H. Miller.
10 C. Lawton.
1 R. Houston.
2 Jas. Barian.
3 P. A. Bailey.
4 D. Lancey.
5 F. Butler.
6 C. Jackson.
1317 P. Gadison.
8 A. Eady.
9 J. Thompson.
20 S. Gibson.
1 D. Roach.
2 J. W. Green.
3 Jas. Randall.
4 Wm. Fountain.
5 F. Ruith.
6 H. Jenkins.
7 Wm. Singleton.
8 J. Wilson.
9 P. McIntosh.
30 A. P. Avrell.
1 Zack Erb.
2 S. Ritt.
3 J. Hudison.
4 T. Raum.
5 R. Grant.
6 B. Loyzett.
7 J. Calhoone.
8 P. Maloy.
9 W. P. Hunter.
40 H. Wilkinson.
1 W. Brown.
2 R. Harley.
3 E. Taylor.
4 J. Minus.
1345 H. J. Middleton.
6 W. Ryan.
7 B. Schdau.
8 A. Haligan.
9 J. McCarthy.
50 J. J. Fitzpatrick.
1 P. Jackson.
2 W. Mangrane.
3 Jas. Johnson.
4 R. Johnson.
5 W. Mungen.
6 Geo. Washington.
7 T. Scriven.
8 G. Floyd.
9 J. Davis.
60 J. Tucker.
1 J. Walder.
2 C. Brown.
3 J. Butler.
4 W. Flinn.
5 J. Bryan.
6 B. B. Labey.
7 W. W. Whitfield.
8 S. Williams.
9 E. Fernandez.
70 J. Jones.
1 J. Bailey.
2 C. Ciler.
1373 Wm. Brown.
4 Z. Wallace.
5 Chas. Greene.
6 A. Brown.
7 L. G. Smith.
8 J. Singleton.
9 M. O. Messett.
80 D. G. Ford.
1 T. Crittenden.
2 T. Stevens.
3 S. Way.
4 H. Coleman.
5 J. Champion.
6 J. Keho.
7 C. Bird.
8 E. Scrut.
9 R. Jackson.
90 J. Jackson.
1 A. Williams.
2 A. Fergusson.
3 D. Williams.
4 E. Green.
5 B. Davis.
6 J. W. Wiston.
7 H. Casen.
8 B. Bush.
9 J. Wilkins.
1400 A. Johnson.
1401 R. Built.
2 Ben. Harley.
3 R. B. Wood.
4 W. M. Lay.
5 J. W. Jones.
6 J. M. Cumming.
7 G. Rogers.
8 W. C. Ulmer.
9 S. P. Norriss.
10 J. F. Slyer.
1 Chas. Laudershine.
2 J. Jackson.
3 B. Rosseter.
4 B. Prichard.

9 C. Balch.
40 H. Young.
1 J. W. Reps.
2 H. C. Hustin.
3 T. C. Parsons.
4 C. W. N. Singer.
5 W. O. Wera.
6 T. G. Goskstetter.
7 H. A. Davis.
8 A. E. Owens.
9 A. Means.
50 J. Walker.
1 W. Ruin.
2 H. C. Numan.
1653 M. Snow.
4 A. H. Johnson.
5 J. Sullivan.
6 J. Murphy.
7 T. Bascol.
8 J. Bary.
9 J. E. Cohen.
60 D. O. Connor.
1 O. Katon.
2 L. Lane.
3 C. Barrett.
4 P. Nictier.
5 C. H. Way.
6 A. W. Haraway.
7 E. L. Oliphant.
8 B. A. Ware.
9 J. Davis.
70 L. R. Gilbert.
1 M. L. N. Elower.
2 A. J. Allen.
3 J. B. Mack.
4 J. J. Galgor.
5 J. T. Rowan.
6 R. G. Lay.
7 G. Stirgis.
8 Geo. Wood.
9 P. Fitzpatrick.
80 H. Merrimon.
1 E. L. Richards.
2 P. Mushoran.
3 R. H. Waltower.
4 W. Allen.
5 S. D. Lee.
6 J. B. Calloway.
7 H. Lewis.
8 J. H. Levey.
9 J. W. McIntire.
90 F. W. Simmons.
1 J. Quire.
2 R. Rouleman.
3 Ewd. Swale.
4 M. Dwent.
5 G. N. Sausey.
6 F. Grimes.
7 J. P. Carter.
8 J. W. Williams.
9 J. Farry.
1700 H. Haligan.
1 J. Stern.
2 J. W. Walton.
3 W. W. Lanier.
4 W. L. Fryer.
5 E. B. Blackworth.
6 J. C. Stevens.
7 E. Spectre.
8 J. E. Cesler.
1709 W. F. Marshall.
10 G. F. Fulk.
1 R. H. Floyd.
2 W. P. Boyslin.
3 E. J. Thomas.
4 M. Hogan.
5 W. Storn.
6 T. A. Murphy.
7 J. E. Way.
8 J. Furlough.
9 J. McPherson.
20 P. Coway.
1 W. Singleton.
2 D. Baseman.
3 E. P. Groves.
4 S. Turnwen.
5 A. Johnson.
6 C. H. Morress.
7 J. Parish.
8 C. C. Rogan.
9 W. H. H. Young.
30 C. F. Moore.
1 D. P. Doty.
2 J. H. Strauss.
3 Wm. Jackson.
4 R. C. Beall.
5 H. Meyers.
6 D. Moses.
7 M. Maloy.
8 D. Y. Gazan.
9 C. T. O'Neal.
40 G. W. Grover.
1 J. T. Leming.
2 T. E. Masters.
3 H. S. Whetmore.
4 J. Heally.
5 W. Swink.
6 C. C. Hunter.
7 D. Crotshett.
8 J. B. Jackson.
9 J. F. Rutzer.
50 M. Hooger.

1 H. Maburn.
2 P. Hagan.
3 S. Delion.
4 J. Byers.
5 A. Cullen.
6 W. H. Galy.
7 R. Law.
8 M. Dugan.
9 J. Scrimmer.
60 M. Roache.
1 B. Cary.
2 J. A. Lewis.
3 J. Murphy.
4 J. Stevens.
1765 M. Feiley.
6 G. Webb.
7 G. Lark.
8 E. B. Keeley.
9 D. Wering.
70 J. J. McKussey.
1 T. Peper.
2 O. P. Luther.
3 F. A. Jones.
4 E. G. Paton.
5 W. Washinger.
6 J. Whalen.
7 T. Peach.
8 J. Mooney.
9 J. Mackey.
80 J. W. Brown.
1 M. Doty.
2 H. H. Parker.
3 T. Morgan.
4 W. H. Doty.
5 A. W. Meyer.
6 C. Tyler.
7 J. McGlowe.
8 J Wrenn.
9 J. Smith.
90 J. Tyler.
1 L. Doyle.
2 Frank Grogan.
1793 J. Chew.
4 J. A. McGlowe.
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1820

This is to certify that this is a correct list of voters taken at box No. 2.

J. F. BABCOCK.
R. WARNOK.
FAYETTE J. HOORNE.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Dec. 24, 1872.

The foregoing pages contain a correct copy of the original poll-list on file in this office. Witness my hand and official seal.

[SEAL.]

DAVID G. COTTING,
Secretary of State.

EXHIBIT DD.—BOX 3.

GEORGIA, *Chatham County:*

List of persons voting at the court-house in the city of Savannah, Chatham County, State of Georgia, at the election held on Tuesday, the fifth day of November, A. D. 1872, *for eleven electors to cast the vote of the State of Georgia for a President and Vice-President of the United States of America, and also for one member of Congress for the first congressional district of Georgia.*

1 Henry Smith.
2 R. F. Pollard.
3 J. K. Richardson.
4 Thos. Smith.
5 W. O. Dyrin.
6 A. M. Stone.

7 Linn Perkins.
8 Wm. Gordon.
9 Judkins Jacobs.
10 O. Roberts.
1 A. Hamlett.
2 Geo. Sullivan.
3 A. Mosman.
4 S. Seabrook.
15 J. W. Simons.
6 July Miller.
7 E. A. Silon.
8 Henry Smith.
9 C. C. Lamoth.
20 J. Knox.
1 Jno. B. Perkins.
2 L. W. Stean.
3 Chas. Williams.
4 Moses Spann.
5 Jno. Robinson.
6 R. Van Winkle.
7 Wm. Robinson.
8 P. Reitty.
29 L. Jackson.
30 Sam. Murray.
1 Jno. Loyd.
2 Joe Roberts.
3 Wm. Reynolds.
4 Jno. H. Mitchell.
5 A. Brown.
6 Henry Williams.
7 Allen Russell.
8 Henry Simons.
9 Joe Nolan.
40 S. Proctor.
1 F. Reilly.
2 H. Jenkins.
3 Mac Livingston.
4 David Page.
5 Ed. Green.
6 Abel Stuart.
7 Jas. Loyd.
8 D. Nash.
9 A. McLaughlin.
50 L. W. Dillon.
1 G. N. Nichols.
2 G. B. Pritchard.
3 L. Martin.
4 Sam'l Charleton.
5 H. Hodges.
6 W. M. Nassman.
57 Paul Tonley.
8 Joe Lane.
9 Ehris Jenkins.
60 Wm. Thompson.
1 J. N. Murphy.
2 J. Massman.
3 Jno. Jackson.
4 J. Middleton.
5 M. J. Barrow.
6 Wm. Anderson.
7 A. Coleman.
8 Rob't Johnson.
9 P. Quarterman.
70 A. R. Dally.
1 A. M. Soule.
2 Wm. Slee.
3 J. H. Ross.
4 Harry Segure.
5 Frank Freeman.
6 London Small.
7 Marsh Mangan.
8 Joe Broughton.
9 Jno. Dawson.
80 Jas. Sanders.
1 F. Joiner.
2 A. Hughes.
3 Jno. Maxwell.
4 John H. Papy.
85 F. Rhodes.
6 Alex. Stimpson.
7 Wm. Davison.
8 Sam. Jackson.
9 A. Scarboro.
90 W. Collins.
1 Jno. Nesbit.
2 Teller Blue.
3 Jno. Gannet.
4 Lewis Harriss.
5 Jno. Williams.
6 Beubo Nichols.
7 Chas. Noble.
8 Bole Small.
9 Maj. Boles.
100 Thos. Stewart.
1 J. A. Scriven.
2 Joe Johnson.
3 Bob Robinson.
4 Samb Elliot.
5 Stephen Simmons.
6 Jas. Polite.
7 J. A. Mitchell.
8 W. F. Bartley.
9 Albert Nesbett.
10 L. Williams.
1 Jas. Black.
2 Jas. Wright.
113 Albert Moore.
4 P. Norman.
5 Kane Winn.
6 B. Alexander.
7 L. King.
8 H. Carr.

9 C. H. Haywood.
20 Sam. Brown.
1 H. Williams.
2 James Butler.
3 S. Days.
4 A. B. Quarterman.
5 J. Quarterman.
6 Thos. Spencer.
7 Joe Bellamy.
8 Ed. Golden.
9 Jno. Rhodney.
30 Christe Brown.
1 Wm. Nichols.
2 Jno. Coffee.
3 Thos. Fogartee.
4 S. S. Strickland.
5 Jas. Lendor.
6 Sol. Miller.
7 C. Habersham.
8 Kuffee Garrett.
9 Titus Brooks.
40 Rich'd Bailey.
141 Wm. Randolph.
2 S. H. Nailor.
3 Rob. Baker.
4 Wm. Johnson.
5 Peter Williams.
6 M. Harris.
7 Cyrus Campbell.
8 Frank Harden.
9 P. Mallon.
150 C. Law.
1 Jesse Buggs.
2 Ned Sharpe.
3 W. H. Silke.
4 Wm. Bryan.
5 Dick Baker.
6 H. Brown.
7 Mac. Andrews.
8 Wm. Reid.
9 Chas. Hearn.
160 H. Middleton.
1 M. House.
2 Albert King.
3 Jno. Willis.
4 Jas. Johnson.
5 S. Gillislead.
6 J. Sennens.
7 Sam. Finnigan.
8 Lander Legure.
169 Adam Houston.
170 Maj. Borven.
1 Tom Screven.
2 Jno. Bowen.
3 C. Jackson.
4 Pompey Grayson.
5 H. Crann.
6 P. Stone.
7 A. Deveaux.
8 C. Loyd.
9 Scipio Burley.
180 M. Butler.
1 Jack Richardson.
2 Dick Rivers.
3 Jim Brown.
4 Smart Duncan.
5 Henry Smith.
6 Peter Talbot.
7 Evans Wright.
8 Joseph Steel.
9 Suney Williams.
190 Jno. Graham.
1 Jas. B. Mathews.
2 Wm. E. Cooper.
3 A. Bennett.
4 Jno. King.
5 Hugh Irving.
6 Isaac Godwell.
197 Moses Axum.
8 Ben. Hart.
9 Jno. Broadman.
200 Ben. Price.
1 Chas. Russell.
2 Dick Law.
3 Peter Johnson.
4 Joe Wilson.
5 Wm. Arden.
6 D. L. Roberts.
7 J. G. Parry.
8 Jno. Luckett.
9 Cyrus Genrow.
210 Jim Williams.
1 Joe Brown.
2 T. Turner.
3 M. Stikes.
4 Capt. Coffee.
5 H. Westley.
6 L. C. Strong.
7 Jack Hinton.
8 Sandy Gibons.
9 Tom Cayborn.
220 Wm. Franks.
1 Moses Holland.
2 Alex. Herndon.
3 Oliver Bailey.
4 Joshua Green.
225 Joe Bacon.
6 Zack Roberts.
7 Pat. Grady.
8 Alf'd Gilliard.
9 Moses Schofield.
230 Jno. Hargraves.

1 A. W. Hunt.
2 Brister Anderson.
3 Caleb Lincoln.
4 Prince Mack.
5 R. Lumpkin.
6 James Lewis.
7 Titus Buthe.
8 Frank Jefferson.
9 F. Mitchell.
240 Ed. Williams.
1 A. T. G. Washington.
2 Lewis Baker.
3 Jack Heuitt.
4 B. Sheftal.
5 J. Mack.
6 Geo. Mann.
7 A. Johnson.
8 Chas. Dillard.
9 H. Russell.
250 Alex. Lanier.
1 Sam'l Butler.
2 S. Rance.
253 Alex. Goram.
4 Sam'l Lafith.
5 J. Freeman.
6 D. McAlister.
7 J. H. Cooper.
8 Jackson Wilson.
9 Rich'd Cooper.
260 H. Williams.
1 Toney Heston.
2 Stephen Swinton.
3 John Jenkins.
4 White Teese.
5 Jacob Battiste.
6 Peter Battle.
7 Simon McCloud.
8 Levi Moore.
9 Lewis J. Pettigrew.
270 H. W. Houston.
1 H. Johnson.
2 D. Maxwell.
3 L. H. Houston.
4 M. Jackson.
5 Andy Bunfort.
6 Jno. Reedy.
7 Simon Middleton.
8 E. H. Parvell.
9 Derby Knox.
280 Dick Murray.
281 Jack Haywood.
2 Jack Furguson.
3 Wm. Smith.
4 Jno. Powell.
5 S. W. Drayton.
6 Andrew Davis.
7 Peter Robinson.
8 Henry West.
9 Wm. Daise.
290 Stephen Kennerd.
1 Dennis Walker.
2 Peter Marshall.
3 Dan'l Butler.
4 Thos. Coleman.
5 D. C. Forest.
6 Toby Adams.
7 Mike Robinson.
8 David Roberts.
9 James Jefferson.
300 Wm. Poor.
1 Prince Williams.
2 Henry Oliver.
3 Peter Field.
4 F. J. Kayton.
5 Louis Taylor.
6 Albert Williams.
7 Gabriel Owens.
8 M. Fallon.
309 Thos. Haullihan.
310 Chas. Harrigan.
1 E. C. Johnson.
2 W. E. Story.
3 W'm Small.
4 Ben Washington.
5 W'm Johnson.
6 R. Wright.
7 J. Grant.
8 Samu'l Green.
9 S. B. Toomer.
320 Sam'l Wilson.
1 Stephen Roberts.
2 W'm Roache.
3 John Bauffith.
4 W. M. Poole.
5 Augustus Johnson.
6 Alex. McArthy.
7 J. M. Johnston.
8 E'd Jeems.
9 Geo. Stewart.
330 Christ. Sturgeon.
1 Ben Matchit.
2 Lewis Servers.
3 W'm Putman.
4 J. R. Strait.
5 W. N. Snead.
6 J. G. Rearodon.
337 Watlaw Screven.
8 Fred Myers.
9 Jackson Sheftal.
340 E. Knapp.
1 Sam'l Bacon.
2 J. Major.

3 Fred Anderson.
4 Lewis Reyman.
5 W'm Hanold.
6 Monday Butler.
7 Ben Washington.
8 James Cuthbert.
9 S. B. Hawkins.
350 C. B. Patterson.
1 Geo. W. Hussey.
2 W. R. Symons.
3 L. Dickson.
4 E. G. Wilson.
5 Sam'l Green.
6 J. B. Ryals.
7 J. H. Granger.
8 P. Morriarity.
9 W'm Anderson.
360 Rich'd Daniels.
1 J. Grayson.
2 Alf'd Robertson.
3 James Walsh.
4 Jno. Morningstar.
365 Cyrus Crivillin.
6 Ja's Owens.
7 P. N. Reynal.
8 Jno. Kenny.
9 R. E. Page.
370 H. Wallace.
1 Joe Styles.
2 Ja's F. Lionnis.
3 J. Wilson.
4 Ja's Glover.
5 R. Butler.
6 C. Richards.
7 J. H. Benedict.
8 J. C. Carter, (sworn.)
9 Andrew Gurdon.
380 James Hines.
1 A. B. Smith.
2 W. Zace.
3 James Cox.
4 C. A. O'Hanlin.
5 E'd Stephens.
6 S. R. Handy.
7 Ja's Wilson.
8 W'm Mathews.
9 Tho's Manning.
390 A. B. Ficklin.
1 Ja's Johnston.
2 A. Saunders.
393 Ja's O'Bryan.
4 A. White.
5 S. Williams.
6 Andy Mathews.
7 J. Graham.
8 Davis Bell.
9 J. Mucherson.
400 F. Jackson.
1 Geo. Thompson.
2 Jno. Brown.
3 Jack Anderson.
4 Eph. Mitchell.
5 Jno. Milledge.
6 Charlie Axon.
7 Solomon Jones.
8 Edw'd Davis.
9 H. W. Palmer.
410 Jno. Williams.
1 J. D. Sherlock.
2 B. P. Stafford.
3 T. Lock.
4 W'm Butler.
5 Tho's Anderson.
6 E'd Williams.
7 Jno. Porter.
8 Jos. Roberts.
9 H. Williams.
420 Sam Le Counte.
421 Fork Nash.
2 Moses Pink.
3 Jno. Bown.
4 Josiah Lloyd.
5 Cato Green.
6 Fortune Adams.
7 Ben Brown.
8 Cha's Baker.
9 Jno. Prendergorast.
430 Ja's Symmons.
1 Sady Jordan.
2 T. R. Mills, jr.
3 L. Frendenthall.
4 W'm Blair.
5 G. A. Nichols.
6 S. V. Stiles.
7 Jno. E. Poole.
8 Sam'l Patite.
9 Rhandal Baily.
440 Sam Jackson.
1 F. Blake.
2 Casius Conley.
3 F. Crompshield.
4 F. H. Harris.
5 Jno. Williams.
6 Ephain Smith.
7 Ben Sumner.
8 Joe Jackson.
449 Joe Moultree.
450 W. Holmes.
1 H. Dawson.
2 W. Harris.

3 Jno. Bing.
4 H. W. Hoffman.
5 Sam'l Hunter.
6 Mack Johnston.
7 C. Swinck.
8 Ned Sheffield.
9 November Small.
460 March Miller.
1 Gibb Hage.
2 Sampson Whitfield.
3 W'm Drayton.
4 Frank Symmons.
5 J. W. Winn.
6 Paris Kirkland.
7 G. W. Sargeant.
8 Morgan Brown.
9 Farman Norman.
470 Harry Thomas.
1 Dan'l Shelton.
2 C. H. Marshall.
3 W. W. Sissins.
4 W'm Willis.
5 J. H. Sloan.
6 Paul Beasley.
477 F. Nugent.
8 E'd Walker.
9 Ben Green.
480 T'omas Tonnge.
1 W'm Pollard, sr.
2 E'd Mortick.
3 H. Simpkins.
4 W'm Porter.
5 Dan Wallace.
6 Silas Grant.
7 P. M. Russell, jr.
8 Jno. McIntosh.
9 Peter Morris.
490 Rob't Irwin.
1 Sandy Mills.
2 J. R. Wallace.
3 James Ward.
4 Cyrus Johnson.
5 Peter Johnson.
6 Joe Jones.
7 M. Irvin.
8 L. Warring.
9 P. W. Screver.
500 Rob't Sissons.
1 Joe Younge.
2 J. W. Smith.
3 Simon Barnard.
4 Alex Irwin.
505 Ben Walthour.
6 Geo. Noble.
7 Jno. Clay.
8 P. Butler.
9 C. Hamilton.
510 Daniel Hafford.
1 Elbert Glascock.
2 J. H. Rogers.
3 J. Russell.
4 Monday Gordon.
5 S. F. Spalding.
6 Frank Taylor.
7 Geo. Ancrome.
8 Allen Roberts.
9 J. H. Newman.
520 Jacob Simons.
1 Rich'd Whitfield.
2 Tho's Goodrich.
3 Seaborn Burns.
4 C. Ladson.
5 Toney Alston.
6 J. Gardner.
7 R. Maynor.
8 Hance Bryan.
9 Emanuel Sheftoll.
530 W'm Thompson.
1 Sam'l Knight.
2 W. H. Saulter.
533 L. Crosby.
4 Jerremiah Rendall.
5 D. Porter.
6 Geo. Turner.
7 Israel Williams, (sworn.)
8 W. Powell.
9 T. W. Robbins.
540 J. Graham.
1 A. V. Kennicel.
2 A. Grant.
3 J. M. Zitrour.
4 F. W. Postell.
5 Jno. Habersham.
6 T. W. Wade.
7 Z. L. Strickland.
8 Jno. B. Savage.
9 John Jackson.
550 Rob't Meyers.
1 Glabe Jenkins.
2 R. D. Goodman.
3 Syrus Rivers.
4 Jack Moore.
5 Cha's Gardner.
6 Jim Thomas.
7 Sam'l Robinson.
8 Hastin Murphy.
9 Limbrick Wells.
560 Ross Allen.
561 Geo. Nicholas.
2 R. H. McHugh.
3 Jim Graham, (sworn.)
4 W'm Fren.

5 F. D. Reberer.
6 Prince Irvin.
7 Ja's M. Ross.
8 Rich'd Golding.
9 J. H. Strigen.
570 Sam'l Bogan.
1 H. Binder.
2 Sam'l Jackson.
3 E'd Gaines.
4 Sam'l Butler.
5 Horace Bryan.
6 Adam Fernby.
7 Harry Brown.
8 Alex Rivers.
9 W'm A. Jefferson.
580 Flander Cummings.
1 J. Lee.
2 Louis Hamilton.
3 Smart Shellman.
4 Ben Lane.
5 Andrew Richardson.
6 Dick Nowlan.
7 P. M. Russell, sr.
8 Howard Dennegall.
589 C. C. Wellman.
590 Jno. Martin.
1 Scipio Lambert.
2 Chester Alston.
3 Aug. Stewart.
4 Jno. Brown.
5 W'm Jackson, (sworn.)
6 Montgomery Jackson.
7 Jno. Morell.
8 Geo. Quinn.
9 W'm Logan.
600 W'm Mackey.
1 Geo. Way.
2 Jno. Morince.
3 August Postette.
4 Cha's Coachman.
5 Ab'm Grant.
6 L. Johnson.
7 H. Patterson.
8 Dennis Stephens.
9 Ja's Reddy.
610 C. W. Kennedy.
1 W'm Arnold.
2 Adam Benjamin.
3 Gabe Gibson.
4 C. P. Freeman.
5 Geo. Silas.
6 Spencer Harris.
617 W'm Wilson.
8 Stephen Small, (s.)
9 May Maxwell.
620 Henry Tarer.
1 Fayette Harper.
2 Ben Cohen.
3 Dennis Burten.
4 W. Rogers.
5 E. McIntire.
6 Adam Green.
7 Andrew Holcome.
8 Emanuel Butler, (s.)
9 Jno. Milligan.
630 Frank Green.
1 Seaborn Hayes.
2 Peter Brown.
3 Harry Mack.
4 Ben Fuller.
5 P. Conally.
6 W. A. McArthy.
7 W. W. Quint.
8 Jno. H. Anderson.
9 Jacob Johnson.
640 D. B. Lester.
1 Austin Miller.
2 H. McNight.
3 David Anderson.
4 C. A. R. Middleton.
645 Joe Wilson.
6 Smart Butler.
7 Dennis Certhbert.
8 London Brown, (s.)
9 Jasawa Scott.
650 Phillip Dolly, (sworn.)
1 Wether Norman, "
2 Jno. Smith, "
3 Pompey Jackson, "
4 Mark Edwards.
5 Amos Jackton.
6 Jas. Green.
7 Jas. Sworn, (sworn.)
8 Jno. Jackson, "
9 Henry Baker.
660 S. D. White.
1 Isaah Williams, (sworn.)
2 Jack Edwards.
3 Jno. Dorsey, (sworn.)
4 Jno. Alsten.
5 J. P. Lewis.
6 W Henderson, (s.)
7 Joe Daniels, (s.)
8 Geo. Smith, (s.)
9 Brown Carter.
670 Miles Loyd.
1 Pharnus Burney.
2 Owen Martin, (s.)
673 Alex. Jenkins, (s.)
4 J. A. Fulton.
5 Hambleton Williams, (s.)
6 J. G. Parnell.

7 Moses Seams.
8 J. Brown, (s.)
9 Peter Williams, (s.)
680 Enoch Frazer.
1 Richard Butler, (s.)
2 Jacob Golfin, (s.)
3 Moses Farrell, (s.)
4 Harris Meyers, (s.)
5 Fred. Ellisy.
6 Jno. Gaston, (s.)
7 Aaron Morel, (s.)
8 Fernando Johnson, (s.)
9 J. Archer.
690 Joe Saney, (s.)
1 Dan. Anderson.
2 C. C. Reilly, (s.)
3 Ed. Graham.
4 Sam'l Bennett, (s.)
5 Harry Campbell, (s.)
6 D. Bovins.
7 Ben. Wayne, (s.)
8 Mars. Ward.
9 Alf'd Rose.
700 Jos. Green, (s.)
701 Henry Styles.
2 Jerry Styles.
3 W. G. Young.
4 J Sullivan.
5 Jack Izard.
6 Raymond Wing, (s.)
7 Emery Welsh.
8 William White, (s.)
9 Sam'l Edwards.
710 B. W. Roberts.
1 Jno. Green.
2 Mack Bissard, (s.)
3 Peter Habersham, (s.)
4 Ed. Wallace, (s.)
5 W'm Williams, (s.)
6 W. H. Woodhouse.
7 W'm Hamilton.
8 Norey Bowdrey, (s.)
9 Bob Watson, (s.)
720 Ed. Dukes.
1 Jno. Crawford, (s.)
2 J. Wade, (s.)
3 Dennis Mack, (s.)
4 Clarence Owens, (s.)
5 Henry Williams, (s.)
6 William Cummings.
7 Cha's Boring.
8 Lewis Gay.
729 Phil. Jones, (s.)
730 Simon Houston, (s.)
1 Frank Robinson, (s.)
2 S. S. Small, (s.)
3 Frank Alston, (s.)
4 J. W. Maxwell, (s.)
5 Anderson Smith, (s.)
6 Henry Bryan, (s.)
7 Cha's Jenkins, (s.)
8 Toby Stiles, (s.)
9 Judge Green, (s.)
740 Pulaski Arkwright, (s.)
1 John Warren, (s.)
2 Alex. Sharpe, (s.)
3 Rob't Saunders, (s.)
4 Andrew Grant, (s.)
5 Pompey Blue, (s.)
6 Richard Wright, (s.)
7 Toney Pastor, (s..)
8 Abram Bell.
9 Ed. Allen, (s.)
750 Josiah Holmes, (s.)
1 W'm Logan, (s.)
2 W'm Brown, (s.)
3 Josiah Cooper, (s.)
4 Will. Jackson, (s.)
5 Julius Johnson.
6 Mack Perry, (s.)
757 Sam. Timons.
8 Geo. Burdon, (s.)
9 Henry Dailey, (s.)
760 Rob't Williams, (s.)
1 R. Denslow, (s.)
2 Ned Green, (s.)
3 Peter Holmes, (s.)
4 Louis Glenn, jr.
5 Oliver Rivers, (s.)
6 Peter Williams.
7 Jeff. Watkins.
8 Raymond R. Jackson.
769 W. Black, (sworn.)
770 J. Ailey.
1 Pulaski Cooper.
2 Milo Harris, (s.)
3 Jackson Lawton.
4 Chisholm Johnson, (s.)
5 Jno. Jackson.
6 Mark Cooper, (s.)
7 Capix Sandiford, (s.)
778 Richard Wilson, (s.)
779 C. Frazier.
780 W'm Frazer.
1 Tho's Thompson, (s.)
2 Jno. Stiles, (s.)
3 M. Lawrence, (s.)
4 Billey Warren.
785 Cudgel King, (sworn.)
6 Cha's Farley, (s.)
7 Philip Fairchild, (s.)
8 Geo. Gardner.

9 Toney Fields, (s.)
790 L. W. Stewart, (s.)
1 Sam'l Marshall, (s.)
2 Ed. Davis, (s.)
3 Jno. Bacon, (s.)
4 Ben Nesbitt, (s.)
5 Sedwick Walker,)s.)
6 Ed. Green.
7 M. Jackson.
8 Mack Jones, (s.)
9 Sam'l Williams, (s.)
800 John Drayton, (s.)
1 G. F. A. Miller.
2 James Stephens.
3 Edward Rhododolph.
4 Lando Richards.
5 Richard L. Black, (s.)
6 Sam'l Brooks, (s.)
7 George Johnson, (s.)
8 Dennis Evans, (s.)
9 S. G. Moss, (s.)
810 Richard Moss, (s.)
1 Ed. Stephens, (s.)
2 George Mack, (s)
813 David Green, (sworn.)
4 Jackson Morrison, (s.)
5 Lundon Wright, (")
6 Andy Anderson, (")
7 William Jackson, (")
8 Manley Jenkins, (")
9 Jim Green, (")
820 E. J. Keifer, (")
1 Jacob Aucomb, (s.)
2 Ed. Maunard, (s.)
3 Dublin Battisce, (s.)
4 Samuel Green, (s.)
5 Freeman Hicks, (s.)
6 Joe Kaynon.
7 Geo. R. Wilson, (s.)
8 Simon Williams, (s.)
9 Jno. Wilson, (s.)
830 J. H. Castello, (s.)
1 Ed. Lizan, (s.)
2 Cyrus Andy, (s.)
3 J. Viedier.
4 Flander Johnson, (s.)
5 Jno. Coleman, (s.)
6 M. S. Verdery.
7 Geo. W. Bush, (s.)
8 Albert Dillon, (s.)
9 W'm Bell, (s.)
840 Moses Jackson, (s.)
841 Franklin Smith, (sworn.)
2 William Erwin, (")
3 Adam Glenn, (")
4 Sampson Young, (")
5 J. Butler.
6 W'm Wells, (s.)
7 Nich's Romers, (s.)
8 Scott Williams, (s.)
9 Joe A. Hogan, (s.)
850 Jno. Grant.
1 Alfred Habersham, (s.)
2 W'm Crittenden.
3 Benj. Brown, (s.)
4 James McCalley.
5 H. Scolley.
6 Alex. Saulter.
7 J. J. Murphey.
8 Rob't Johnson.
9 Jno. Harmon.
860 W'm Smith, (s.)
1 W'm Pollain.
2 Jas. Kelley.
3 Bryan Sneed.
4 M. M. Sullivan.
5 Ephraim Potter.
6 Jno. Connerly.
7 As. Connuett.
8 C. A. Schaun.
869 Christopher Russell.
870 Jno. McGrath.
871 Frank Ingersoll.

We, the undersigned, do hereby certify that the foregoing list of voters is correct,

Savannah, Ga., Nov'r 5th, 1872.

M. J. NEIDLEY, *C.*
A. S. CANNET, "
R. A. POLLARD, "

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Dec. 24, 1872.

The foregoing pages contain a correct copy of the original poll-list on file in this office.

Witness my hand and official seal.

[SEAL.]

DAVID G. COTTING,
Secretary of State.

EXHIBIT E. E.—BOX 4.

GEORGIA, *Chatham County:*

List of persons voting at the court-house in the city of Savannah, Chatham County, State of Georgia, at the election held on Tuesday the fifth day of November, A. D. 1872, for eleven electors to cast the vote of the State of Georgia, for a President and Vice-President of the United States of America, and also, for one member of Congress for the first congressional district of Georgia:

1 W. O. Van Varsh.
2 L. Holsenburg.
3 W. F. Turner.
4 Jackson Lawton.
5 Bill Steele.
6 Joe Tobira.
7 Mack Williams.
8 Jas. Williams.
9 J. C. Huston, sr.
10 Scipio Wiggins.
1 Moses Thompson.
2 Fred Wright.
3 Aaron Adams.
4 Dan'l Wiggins.
5 W'm Timmons.
6 Steve Pacetty.
17 Louis Duncan.
8 Thaddeus Sams.
9 Rob't Jones.
20 Geo. Fleming.
1 Peter Vanderbilt.
2 Rob't Brown.
3 Tho's Thompson.
4 Jos. E. White.
5 Tany Jenkins.
6 Cooly Roberts.
7 Isam Taylor.
8 Smart Donninque.
9 Dick Jenkins.
30 Rich. L. Wilson.
1 Dan'l P. Jackson.
2 Robt. Thompson.
3 Jas. Monroe.
34 Cato Logan.
5 Willis Gilbert.
6 Primus Telfair.
7 Geo. Green.
8 Francis Blair.
9 John Bender.
40 Benj. Williams.
1 Oliver Grant.
2 Jacob Davis.
3 Charles Holmes.
4 Sam'l Holmes.
5 Mich'l Norton.
6 May Harris.
7 Olanda Jones.
8 W'm Williams.
9 Tho's Campbell.
50 M. J. Powell.
1 Ben. F. Sheftall.
2 Cha's A. Taylor.
3 Morris Young.
4 Robt. Chift.
5 Silas Polite.
6 Cha's E. Wakefield.
7 Jno. Bryan.
8 Adam Tuffts.
9 Grant Wilson.
60 W'm Cuiler.
1 Henry Burney.
62 Peter Guardean.
3 Joseph E. Edwards.
4 Edw'd Ferguson.
5 Jno. Blue.
6 Coster Brown.
7 Isaac B. Butler.
8 Dennis Williams.
9 Robt. Charlton.
70 Robt. Bowen, (S.)
1 Lewis Thomas.
2 Robt. Cooper.
3 Jno. De Villers.
4 Jerry Brown.
5 W'm Williams.
6 Daniel Lewis, (S.)
7 Ed'wd Rainey.
8 Sampson Richards.
9 Robt. Stiles.
80 Jno. White.
1 W'm H. Folliard.
2 Alfred Bird.
3 Grant McIntosh, (S.)
4 Henry Marshall.
5 Jno. Cassimere.
6 Jackson James.
7 Johnson Beck, (S.)
8 W'm West.
9 Charlie Edwards.
90 Sam Blake.
1 Philip Howard.
2 Mile Sission.

3 W'm White.
4 Ben Williams.
5 Alex'r Findlay.
6 Philip Hermann.
7 W'm Bowens.
8 Robt. White.
9 March Houston.
100 Willbourne Ellison, (S.)
1 Leonard Jones.
2 Winter Culbert.
3 Jack Bolton.
4 Jos. H. Indon.
5 M. B. Williams.
6 Cyrus Jordan.
7 Benj. Houston.
8 R. Walker.
9 Wallace Berrien.
110 Cha's Smith.
1 Robt. Brown.
2 Jas. Norris.
3 Moses Scott.
4 Womana Thompson.
5 J. L. Lloyd.
6 Caleb Charlton.
7 Francis Thompson.
118 Geo. L. Edmondson.
9 Gabriel Wight.
120 Abram Smith.
1 Ellis Lucas.
2 Peter Mercherson.
3 Dan'l Verdier.
4 Roe Carter.
5 Sam'l Smith.
6 Silas Roberts.
7 James Myers.
8 Willis Killy.
9 Cha's L. De Lamotta.
130 Peter Vincent.
1 Sam'l Green.
2 Jno. Fraser.
3 Alfred Stevens.
4 Scipio Wilkins.
5 Sam Bryant.
6 Henry Wallace.
7 David Wells.
8 Tho's J. Walsh.
9 Augustus Schevat.
140 Edw'd McCarmack.
1 W'm Franklin.
2 W'm Mungen.
3 Henry Hawkins.
4 Rich'd Day.
5 L. L. Wormsley.
146 Sam'l P. Usher.
7 Caleb Goff.
8 Robt. Simmons.
9 F. Y. Williams.
150 Jno. Morel.
1 Sebe Young.
2 Jerry Jackson.
3 J. K. Reilly.
4 C. H. Ward.
5 W'm Burt.
6 W'm Graham.
7 Tho's Larkins.
8 Dan'l L. Lane.
9 J. C. C. Todd.
160 B. H. Theus.
1 J. T. Thues.
2 A. B. Thompson.
3 L. Wilson.
4 Isaac Brown.
5 S. D. Zachariah.
6 Aaron Porter.
7 Peter Young.
8 Harrington Shack.
9 Henry Armstrong.
170 H. A. Williams.
1 Albert Sheftall.
2 Isaac Norris.
3 Jas. Norwood.
174 Philip Washington.
5 S. S. Wilbourne.
6 Jacob Hicks.
7 W'm A. Hurston.
8 Casius Brand.
9 C. R. Woods.
180 Jas. M. Butler.
1 Jno. Miller.
2 Albert Miller.
3 Dennis Mitchell.
4 Adam Richardson.
5 Jno. Kaiser.
6 W'm H. Way.
7 Dan Gibson.
8 Lewis Cooper.
9 Jas. Billard.
190 Jas. Dawson.
1 Gus Anderson.
2 Adam Dolly.
3 Terry Wicker.
4 Danl. Wicker.
5 M. H. Morel.
6 Danl. Allman.
7 Levi Moore.
8 Jim Singleton.
9 Jno. Villalonga.
200 W'm H. Woods.
1 J. H. Winslow.
202 J. T. Williams.
3 A. A. Winn.
4 W. S. Stetson.

5 Jackson Bainbridge.
6 W'm H. Tison.
7 Edwd. Sullivan.
8 W'm Anderson.
9 Paul Noble.
210 Alfred Varnado.
1 W'm Singleton.
2 W'm G. Green.
3 Carolina Reaves.
4 Franklin Jones.
5 Jos. S. Tropley.
6 J. J. Mitchell.
7 H. W. Cooper.
8 Jas. Wilkins.
9 Josiah Grant.
220 Bob Fogarty.
1 J. B. Wiggins.
2 Dudley Harris.
3 J. E. Verner.
4 Jno. T. Thomas.
5 Sam Bacon.
6 M. H. Meyer.
7 Isaac Thompson.
8 S. Solomons.
9 Ed'w'd Wright.
230 Mordecai Sheftal.
1 Abram Grant.
2 J. M. Marsh.
3 A. J. J. Blois.
4 C. L. Brown.
5 N. J. Darrell.
6 Israel Middleton.
7 Fred Anderson.
8 Simon Shellman.
9 Abram Davison.
240 A. M. West.
1 Cha's Middleton.
2 Thos. Emorel.
3 J. H. Tanner.
4 H. C. Keating.
5 Jno. Dickson.
6 W. H. Dickerson.
7 W'm Miller.
8 Tho's Wlliams.
9 Ezekiel Thompson No. 2.
250 Isaac Higgins.
1 Jno. D. Hopkins.
2 H. T. Minor.
3 Israel Snow.
4 W'm Parker Brown.
5 May Millrose.
6 J. Lawton Whatley.
7 T. D. Simmons.
258 Prince Stevens.
9 Mack Holmes.
260 Jos. Jefferson.
1 Jos. Roberts.
2 J. Patterson.
3 E. Yulee.
4 Lanon Floyd.
5 Cha's Brown.
6 Geo. D. Desaucy.
7 Robt. Madison.
8 W'm Spencer.
9 Josiah Cooper.
270 Dan'l Moore.
1 Thos. S. Wayne.
2 Y. H. Witchen.
3 A. Bean.
4 A. Whittle.
5 Fred. Fickling.
6 Albert Maxwell.
7 Danl. McQueen.
8 Jeff Gaston.
9 Abram Davis.
280 Jackson Maybanks.
1 Hector Davison.
2 Rich. Wylly.
3 Lewis Lippman.
4 J. Thomas.
5 Chas. Grant.
286 Alfred Day.
7 Lucius Bond.
8 Sam'l Woolsey.
9 Frank Caswell.
290 Henry Williams.
1 Sam Williams.
2 H. C. Wayne.
3 Cha's Warner.
4 S. Beatty.
5 Isaac Blake.
6 Adam Brown.
7 John Gordon.
8 Thos. C. Wilson.
9 Rich'd Brown.
300 Rich'd Baker.
1 Fielding Richardson.
2 Horace Baker.
3 Jos. Williams.
4 Geo. B. Wellman.
5 Charley Edwards.
6 Jos. James.
7 Frank Beasley.
8 W. E. White.
9 Jno. Nungent.
0 Robt. D. Walker.
1 Jno. W. Wilson.
312 W'm Henry.
3 Amos Rahn.
314 Wm. Cuyler.
5 Jas. Walker.
6 J. W. Tynan.

7 Henry Wright.
8 Jno Jackson.
9 Henry Fleming.
320 Mat. Haywood.
1 Sam. Davis.
2 Jno. Jenkins.
3 Jacob F. Wilson.
4 Henry Fields.
5 Chas. N. West.
6 Jno. Vandrass.
7 Simeon Walthand.
8 Alfred Rogers.
9 Wm. Sheftall.
330 March Brown.
1 Wm. Owens.
2 Sanders Harman.
3 Aaron Canty.
4 Duffey Holmes.
5 Steve. Habry.
6 J. S. Coburn.
7 H. B. Tompkins.
8 Lemon Grayson.
9 Andrew Brailsford.
340 Thos. Rutledge.
1 Moses Wilkerson.
342 Archer Whitfield.
3 Hemter Williams.
4 J. Monroe.
5 Dan'l H. Grimm.
6 Geo. Brice.
7 Ric'd Turner.
8 Primus Telfair.
9 H. T. Ward.
350 Silas Jackson.
1 Wm. Howe.
2 Sam. Mackay.
3 Jno. Hopkins.
4 Moses McElvin.
5 Wm. Martin.
6 Benj. Godfrey.
7 J. B. Ship.
8 Abram Hamilton.
9 Wm. Hunt.
360 Frank Brailsford.
1 J. B. Hunt.
2 J. Bruin.
3 Booby Hines.
4 Ben. Harris.
5 Smart Hazzard.
6 Prince Norman.
7 J. R. Jones.
8 Isaiah Dozier.
9 Thos. Ward.
370 Miser Ford.
1 W. M. White.
2 Toney White.
3 Jno. Mitchell.
4 W. H. Baker.
5 M. B. Quarterman.
6 Frank Blunt.
7 Moses Major.
8 Sam. Brown.
9 Frank Gillison.
380 Lucius Johnson.
1 Jos. Johnson.
2 M. H. Williams.
3 J. H. Heall.
4 William J. Way.
5 Solomon Zeigler.
6 Sike Reed.
7 Bob Harris.
8 Thos. West.
9 Wm. Johnson.
390 Butler McFall.
1 Thadeus Williams.
2 Wm. Green.
3 Johnson Pollard.
4 Braddock D. Adams.
5 Mack Young.
6 Jackson Brown.
7 C. C. Williamson.
398 A. W. Johnson.
9 Jacob Leonard.
400 Butler Garry.
1 Rich'd Williams.
2 Chas. Welcher.
3 Cuiler Reed.
4 Siar Dowse.
5 Alec. Frazier.
6 Prince Berry.
7 Peter Williams.
8 Nero Grant.
9 Jos. B. Baily.
410 Augustus Carr.
1 Pleasant Gains.
2 Jas. Williams.
3 Wm. Barnard.
4 Moses Palmer.
5 Cullen Houston.
6 Abram Barber.
7 Charles Graves.
8 F. J. Titcomb.
9 Dan'l W. Welch.
420 Peter Stewart.
1 Jerry Jackson.
2 Frank Ryals.
3 Theo. Raber.
4 Augustus Treadcraft.
5 George Jones.
426 Alec. Morel.
7 Sam. Olmstead.
8 Geo. Scott.

9 A. F. Tarley.
430 Sandy Young.
1 Simon White.
2 Edw'd Roberson.
3 Chas. Baker.
4 Jos. Burns.
5 Randall Wilkinson.
6 Simon Jones.
7 Aleck. Mims.
8 Archer Griffin.
9 Peter Johnson.
440 E. L. Jenkins.
1 Jno. Zeigler.
2 Rich'd Webb.
3 Chas. B. Woods.
4 R. R. Christopher.
5 Geo. B. Redding.
6 N. O. Tilton.
7 Wm. J. Russell.
8 Paul Morrison.
9 Balls Malone.
450 Emmett Gould.
1 Henry Gwinn.
2 Jas. Cary.
3 T. M. Willink.
454 Geo. T. Theus.
5 H. P. Hasted.
6 W. H. Dyer.
7 Launda Brauleigh.
8 P. Adams.
9 J. J. Stokes.
460 H. B. Stokes.
1 T. A. Watts.
2 Murry Monroe.
3 Chas. Mills.
4 Jno. C. F. Wetter.
5 Chance Bliger.
6 Wm. Rankin.
7 F. S. Williams.
8 Jno. Wm. Weston.
9 L. T. Turner.
470 J. A. Truslow.
1 A. A. Stokes.
472 W. W. Strickland.
3 J. M. Solomons.
4 Thos. Williams.
5 Moses Mills.
6 Jno. Wells.
7 W. C. Wells.
8 J. R. West.
9 W. W. West.
480 Albert Berry.
1 Rich'd Clark.
2 Rich'd West.
3 Wm. Desverger.
4 S. W. Wight.
5 Jack Nichols.
6 Benj. Day.
7 Peter Law.
8 Jno. Campbell.
9 Thos. Shellman.
490 Geo. W. Windham.
1 Alex'r Cally.
2 J. Lynch.
3 Othello B. Young.
4 H. Carpenter.
5 Dan'l Crittenden.
6 Massareen Jones.
7 Edw'd Boman.
8 W. M. Walsh.
9 Vetuz Silas.
500 Andrew Vincent.
1 Abram Beasley.
2 B. C. Simmons.
3 Jackson Powers.
4 Gabriel Knight.
5 Jas. Cobb.
6 Tom Fuller.
7 Jas. M. Burke.
8 R. A. Wayne.
9 Abram Lloyd.
510 T. Morel.
1 A. A. Wilson.
2 A. Simmons.
3 Harry Small.
4 W. B. Wylly.
5 J. W. Goode.
6 Jas. Zachary.
7 Chester Gwinn.
8 Alfred Warren.
9 Rich'd Grant.
520 W. C. Purse.
1 R. Bradford.
2 Toney Young.
3 David Jenkins.
4 H. M. Turner.
5 Augustus Law.
6 Jacob Bowen.
7 Cyrus Baldwin.
528 Hartless Johnson.
9 Robt. Lawton.
530 Balky Whittmore.
1 Jno. Williamson.
2 W. S. Yokum.
3 Jas. Crevelier.
4 D. G. Sheftale.
5 Israel McKee.
6 Chas. Williams.
7 Dennis Farley.
8 Jno. R. F. Tattnall.
9 Jas. Watts.
540 M. D. McCarthy.

1 Anson Williams.
2 Jno. Reilly.
3 Thos. Rahn.
4 Jno. B. Wiches.
5 Gabriel Mastin.
6 Dennis Johnson.
7 Jas. Bluff.
8 W. T. Haley.
9 Henry Martin.
550 N. H. Bailey.
1 D. R. Wiggins.
2 A. W. Dally.
3 J. M. Schley.
4 Scipio Quarterman.
5 L. D. Tyson.
556 A. F. Sinder.
7 Paul Quarterman.
8 Edw'd Harden.
9 Peter Williams.
560 Richmond Thomas.
1 Jack Jackson.
2 Isaac Filer.
3 Peter Davis.
4 Moses Jackson.
5 D. Sullivan.
6 Jno. Jackson.
7 A. Theime.
8 H. Van Glahn.
9 Jas. Lane.
570 Henry Wise.
1 Abram Minis.
2 Geo. Chipps.
3 Jos. Thomas.
4 Geo. L. Thomas.
5 Sam'l B. Williams.
6 John Holmes.
7 Jno. Wakefield.
8 Dan. Butler.
9 Thos. Smith.
580 Zeke Thompson.
1 Morris Lee.
2 Jas. Drayton, (s.)
3 Mack Brown, (s.)
584 Geo. James.
5 Wm. Lloyd.
6 Henry Ward.
7 T. M. Spencer.
8 Robt. McCalla.
9 Harry Johnson.
590 Leonard Varner.
1 Thomas Quinn.
2 Dublin Smith.
3 James Simms.
4 Geo. B. Lewis.
5 Albert Peter.
6 Edward Lloyd.
7 Rich'd R. Waring.
8 Isaiah Dowdy.
9 J. B. Thomason.
600 Fred. Ward.
1 Ben. Williams.
2 Robt. Hicks.
3 Sam. Barber.
4 Seaborn Jones.
5 Romeo Campbell.
6 King Tattnall.
7 F. O. Proctor.
8 Robt. H. King.
9 Sam. Smith.
610 J. J. Chaplin.
1 Henry Williams.
612 Stephen Overstreet.
3 Wm. Cooper.
4 J. D. Parker.
5 Robt. Burk.
6 Robt. Brown.
7 Julius Rahn.
8 Cyrus Rivers.
9 Edw'd Bailey.
620 Watkins Weston.
1 Aaron Jackson.
2 Jackson Holmes.
3 Sam'l Taylor.
4 Jas. Stewart.
5 Webster Wagner.
6 Sam. Blunt.
7 Joe. Segure.
8 Wm. Carter.
9 Wm. King.
630 Jerry Sullivan.
1 Jno. Brown.
2 Harrison Preston.
3 Morris Hill.
4 Robt. Erwin.
5 Ben. Gaines.
6 Mack Small.
7 Essex Anderson.
8 Ned Edwards.
9 David Munay.
640 Wm. Dozier.
1 Jas. Smith.
2 Mitchell Roberson.
3 Wm. Coffee.
4 Geo. Young.
5 Sawny Wilson.
6 Anthony Ingram.
7 Israel Grant.
8 Cuiler Williams.
9 Sambo B. Lovett.
650 Austen Lawrence.
1 Chas. Lee.
2 Toney Lovett.

3 Wash. Johnson.
4 Jno. Walker.
5 Thos. Beall.
6 Jas. Habersham.
7 Henry Bignon.
8 Rich. Footman.
9 Ham'ton H. Austin.
660 John Erwin.
1 Alex. Stephens.
2 Ned De Lyon, (s.)
3 Chester Scoggins.
4 Geo. Thompson.
5 Frank Querson.
6 Campbell Miller.
7 July Richard.
668 Wm. Pettigrew, (s.)
9 Christmas Fogarty.
670 T. J. Roberts.
1 Stephen Forrester.
2 Jno. O'Neill.
3 Crocket Cummings.
4 Smart McGilvery.
5 Seaborn Fesler.
6 Wm. Jackson.
7 Jas. Hamilton.
8 Elbert Stephens, (s.)
9 Jacob Segar, (s.)
680 Rich'd Fox, (s.)
1 Geo. Cumming.
2 Rich'd Morel.
3 J. J. Chaplin.
4 Alx. Stephens.
5 Wm. Bryan.
6 Henry Stewart, (s.)
7 David Moses.
8 R. A. Williams, (s.)
9 Geo. Quarterman, (s.)
690 B. A. Denmark.
1 Jno. Robinson.
2 Chas. Pollins.
3 Sam'l Corler.
4 Jos. Green.
5 Wm. Roberts, (s.)
6 Alex. Raglon.
7 Joe. Thomas.
8 Jno. A. Mayer.
9 Jas. Williams.
700 Thos. Kent.
1 Wm. Frazier, (s.)
2 Henry Floyd.
3 Wm. Friar.
4 Benj. Harden.
5 Rich'd Anderson.
6 Geo. Campbell.
7 Nat. Braswell.
8 Gark Willis.
9 Wilson Ward.
710 Henry P. Shaw.
1 Geo. W. Wilson.
2 Adam C. McIntosh, (s.)
3 J. B. Rhoder.
4 Jack Houston.
5 Aldo Wilson.
6 Edw'd Taylor.
7 R. N. Wright.
8 Willis Hughes.
9 Thos. Gordon.
720 David Weisbein.
1 Merault Gordon.
2 Sam'l King.
3 Thos. McIntosh.
724 E. Jones.
5 Lewis Lawrence.
6 Jackson Bradley.
7 D. Dandy Polite.
8 Wm. Bowen.
9 R. W. White.
730 Jno. White.
1 Chance Houston.
2 Jno. Boston.
3 Wm. R. Hall.
4 Wm. Maxwell.
5 G. Screven.
6 Thos. Garrett.
7 A. S. Scott.
8 C. White.
9 Ben. Williams.
740 Joe. Davis.
1 Adam O. Bright.
2 Paul Taylor.
3 Robert Haywood.
4 Edw'd W. Gray.
5 James Moore.
6 Wm. Divine, (s.)
7 Rufus Darty, (s.)
8 P. H. Ward.
9 Larrey Miller.
750 Wm. H. Wright.
1 S. A. Young.
752 Jno. Write.
3 S. E. Thues.
4 Jas. Miller.
5 W'm Russell.
6 Jno. Baker.
7 Royal Mason.
8 Lizar Johnson, (s.)
9 London Smith, (s.)
760 Alfred Mite, (s.)
1 Moses Small.
2 W'm Dobson, (s.)
3 G. Gloster Taylor.
4 W'm Thompson, (s.)

5 Geo. Owens.
6 F. S. Watts.
7 Steven Williams, (s.)
8 Schlyler Blair, (s.)
9 Neptune Fenneck.
770 Jas. Haywood.
1 Prince Coleman, (s.)
2 Simon Norman, (s.)
3 Geo. Perry, (s.)
4 J. M. Sneed.
5 Cha's Arnold.
6 Cha's Humes.
7 Aleck White.
8 W'm Odingsell, (s.)
9 J. H. McChran.
780 Bill Williams, (s.)
1 Jas. Eady, (s.)
2 Jno. Nash.
3 Tom Williams, (s.)
4 Sam. Stewart, (s.)
5 Cha's Bolding.
6 Henry Mijets.
7 W'm H. Black.
8 Harvey Paine, (s.)
9 Jno. Shepperd.
790 Henry Pollee.
1 Joshua Burke.
2 Peter Blake.
3 W. C. Vincent.
4 Hugh Reilly.
5 Thos. C. Wright.
6 N. Wilson.
7 Mark E. Taylor.
8 Philip Smith.
9 P. J. Collins.
800 Walkins Wallace, (s.)
1 Levi Rutlege.
2 Geo. Washington.
3 Rob't Burk.
4 T. M. Thues.
5 J. S. Willington.
6 W'm Griffin, (s.)
7 Isaac McCall.
809 Geo. Allen.
810 Adam Moss.
1 Sam. Jenkins, (s.)
2 B. G. Tilden.
3 Ja's Shepperd.
4 W'm Emorn.
5 Tho's Ramsey, (s.)
6 Jas. Cook.
7 Geo. Jones.
8 Savally Green, (s.)
9 Virgil Grant.
820 Carolina Johnson, (s.)
1 Sam'l Boston.
2 S. D. Dickson.
3 Pat'k Igo.
4 Mack Hunt, (s.)
5 Henry Graves. (s.)
6 Augustus Bullock.
7 Ja's A. White.
8 Hawley Simpson.
9 Jno. Beckney.
830 Jno. Woods.
1 Ja's Welch.
2 Ja's Reddick.
3 Prince Nile.
834 Tony Price, (s.)
5 W'm Whitfield.
6 Henry Mungen.
7 T. Malcolmson.
8 Paul Ward, (s.)
9 Geo. Harrison, (s.)
840 Henry Johnson.
1 Jno. Martin.
2 Pat. Kehoe.
3 Hector Jones.
4 W'm Campbell.
5 M. S. Cummings, (s.)
6 Jno. Williams, (s.)
7 Geo. Patterson, (s.)
8 Jno. Donavan.
9 Arthur McAvoy.
850 Abram Smith, (s.)
1 W'm Squares, (s.)
2 Cha's Williams.
3 W'm Kehoe.

We certify the foregoing list of voters to be correct.
November 5th, 1872.

ALFRED J. J. BLOIS,
B. A. DENMARK,
N. J. DARRELL,
Clks.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Dec. 24, 1872.

The foregoing pages contain a correct copy of the original poll-list on file in this office.

Witness my hand & official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT "F F."—*Consolidated return.*

STATE OF GEORGIA, *Burke County:*

We, the undersigned, a majority of the managers at the court-house, and one manager for each other voting-place, of an election held in Burke County, on the 5th day of November, 1872, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors for President and Vice-President of the United States, do certify that we have this day met and consolidated the returns of the other voting-places with the court-house, and that the following is the result:

Names of candidates for Forty-third Congress:		Number of votes polled:
Morgan Rawls	Received	1,051
Andrew Sloan		1,093

Names of candidates for electors:		Number of votes polled:	
W'm T. Wofford	Received	1,061	[996]
Washington Poe		1,061	[996]
Henry L. Benning		1,061	[996]
Julian Hartridge		1,061	[996]
H. G. Turner		1,061	[995]
Robert N. Ely		1,061	[996]
W. I. Hudson		1,061	[996]
J. M. Pace		1,061	[996]
Henry R. Casey		1,061	[996]
J. N. Dorsey		1,061	[996]
E. D. Graham		1,061	[996]

Names of candidates for electors:		Number of votes polled:	
Amos T. Ackerman	Received	1,086	[1,074]
Benj. Conley		1,086	[1,074]
Amherst W. Stone		1,086	[1,074]
Joel Johnson		1,086	[1,074]
W. B. Jones		1,086	[1,074]
W. W. Merrill		1,086	[1,074]
Joel R. Griffin		1,086	[1,074]
John F. Shine		1,086	[1,074]
C. D. Forsyth		1,086	[1,074]
George S. Fisher		1,086	[1,074]
C. A. Ellington		1,086	[1,074]

NOTE.—Figures and words inclosed in brackets [ ] are erased in the original.—*Printer.*

And we herewith enclose a list of voters and tally-sheet and return for each voting-place, with the managers' oath.

Witness our hands and seals this 6th November, 1872.

W. W. WALTON, *F. H.*,
F. W. GODBEE, *J. P.*,
J. H. BLOUNT, *N. P. & ex-off. J. P.*,
JNO. D. MANNERLYNN,
W'M W. STURGES, *F. H.*,
SOL. K. MILL, *F. H.*, *Managers.*

R. SLOAN, *N. P.*,
NEEDHAM BULLARD, *J. P.*,
SIMEON S. GODBEE, *F. H.*,
G. A. PALMER, *F. H.*,
MACPHERSON N. EVE, *F. H.*,
Managers.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 11, 1872.

The above and foregoing is a true copy of the original (with erasures) consolidated return of the election held in Burke County on the 5th day of November, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia in the 43d Congress of the United States.

Witness my hand and official seal.

[SEAL.]

DAVID G. COTTING,
Secretary of State.

EXHIBIT "G G."—*Precinct-returns.*

STATE OF GEORGIA, *Burke County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary, or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor knowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so. So help me God.

SAMUEL J. HEATH,
SIMEON S. GODBEE,
Superintendents.

Sworn to and subscribed before me this 5th day of November, 1872.

WASHINGTON MOBLEY,
Justice of the Peace.

STATE OF GEORGIA, *Burke County:*

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at Liberty Hill, in the county of Burke, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors of President and Vice-President of the United States; and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for 43d Congress.	Number of votes polled.
Morgan Rawls.....	Received 105
Andrew Sloan.....	35

Names of candidates for electors:	Number of votes polled:		
William T Wofford	105	A. T. Ackerman	35
Washington Poe	105	Benj. Conley	35
Henry L. Benning	105	Amherst W. Stone	35
Julian Hartridge	105	Joel Johnson	35
H. G. Turner	105	W. B. Jones	35
Robert I. Ely	105	W. W. Merrill	35
W. I. Hudson	105	Joel R Griffin	35
J. M. Pace	105	John F. Shine	35
Henry R. Casey	105	C. D. Forsyth	35
J. N. Dorsey	105	George S. Fisher	35
E. D. Graham	105	C. A. Ellington	35

Which will fully appear by reference to the enclosed list of voters and tally-sheet.

Given under our hands and official signatures this 5th day of November, 1872.

WASHINGTON MOBLEY, *J. P.*,
SIMEON S. GODBEE, *F. H.*,
S. J. HEATH, *F. H.*,
Superintendents.

DIRECTIONS.

The superintendents of the precinct must send the foregoing certificate, properly filled, and all other papers of the election, including the ballots, under seal, to the county site in charge of one of their number by 12 o'clock meridian of the next day.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Dec. 16, 1872.

A true copy of the original precinct-return of Liberty Hill, Burke County, of the election held November 5, 1872, for a member of Congress, and for electors of President and Vice-President.

Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT H H.—*Precinct returns.*

STATE OF GEORGIA, *Burke County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary, or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so, according to the laws of this State, nor knowingly prohibit any one from voting who is entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so. So help me God.

RANDOLPH RIPLEY,
W. F. McCLENAHAN,
F. W. GODBEE, *J. P.*,
Superintendents.

Sworn to and subscribed before me this 5th day of November, 1872.

F. W. GODBEE,
Justice of the Peace.

STATE OF GEORGIA, *Burke County:*

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at 70th district, G. M., in the county of Burke, for a member of Congress to represent the first congressional district in the 43d Congress of the United States and for electors for President and Vice-President of the United States, and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for 43d Congress.	Number of votes polled.
Morgan Rawls received	13

Names of candidates for electors.	Number of votes polled.
W. T. Wofford received	13
H. L. Benning	13
Julian Hartidge received	13
Washington Poe	13
H. G. Turner	13
R. W. Ely	13
W. I. Hudson	13
I. M. Pace	13
H. R. Casey	13
I. N. Dorsey	13
E. D. Jackson	13

Which will fully appear by reference to the enclosed list of voters and tally-sheet. Given under our hands and official signatures this 5th day of November, 1872.

RANDOLPH RIDGLEY,
W'M F. McCLANAHAN,
F. W. GODBEE,
Superintendents.

DIRECTIONS.

The superintendents of the precinct must send the foregoing certificate properly filled, and all other papers of the election, including the ballots, under seal, to the county-site in charge of one of their number by 12 o'clock meridian of the next day.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Dec. 16, 1872.

A true copy of the original precinct return of the 70th district G. M., Burke County, of the election held November 5, 1872, for a member of Congress & for electors of President and Vice-President. Witness my hand and official seal.

[SEAL.]

DAVID G. COTTTING,
Secretary of State.

Names of candidates for electors:			Number of vot polled:
William T Wofford	105	A. T. Ackerman	3
Washington Poe	105	Benj. Conley	3
Henry L. Benning	105	Amherst W. Stone	3
Julian Hartridge	105	Joel Johnson	3
H. G. Turner	105	W. B. Jones	3
Robert I. Ely	105	W. W. Merrill	3
W. I. Hudson	105	Joel R Griffin	3
J. M. Pace	105	John F. Shine	3
Henry R. Casey	105	C. D. Forsyth	3
J. N. Dorsey	105	George S. Fisher	3
E. D. Graham	105	C. A. Ellington	3

Which will fully appear by reference to the enclosed list of voters an tally-sheet.

Given under our hands and official signatures this 5th day of No vember, 1872.

WASHINGTON MOBLEY, *J. P.*,
SIMEON S. GODBEE, *F. H.*,
S. J. HEATH, *F. H.*,
Superintendents.

DIRECTIONS.

The superintendents of the precinct must send the foregoing certifi cate, properly filled, and all other papers of the election, including th ballots, under seal, to the county site in charge of one of their numbe by 12 o'clock meridian of the next day.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Dec. 16, 1872.

A true copy of the original precinct-return of Liberty Hill, Burk County, of the election held November 5, 1872, for a member of Con gress, and for electors of President and Vice-President.

Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT H H.—*Precinct returns.*

STATE OF GEORGIA, *Burke County:*

All and each of us do swear that we will faithfully superintend thi day's election; that we are justices of the peace, ordinary, or freeholder (as the case may be) of this county; that we will make a just and tru return thereof, and not knowingly permit any one to vote unless we be lieve he is entitled to do so, according to the laws of this State, no knowingly prohibit any one from voting who is entitled by law; an will not divulge for whom any vote was cast, unless called on under th law to do so. So help me God.

RANDOLPH RIPLEY,
W. F. McCLENAHAN,
F. W. GODBEE, *J. P.*,
Superintendents.

Sworn to and subscribed before me this 5th day of November, 1872.

F. W. GODBEE,
Justice of the Peace.

STATE OF GEORGIA, *Burke County:*

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at 70th district, G. M., in the county of Burke, for a member of Congress to represent the first congressional district in the 43d Congress of the United States and for electors for President and Vice-President of the United States, and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for 43d Congress.	Number of votes polled.
Morgan Rawls received	13

Names of candidates for electors.	Number of votes polled.
W. T. Wofford received	13
H. L. Benning	13
Julian Hartidge received	13
Washington Poe	13
H. G. Turner	13
R. W. Ely	13
W. I. Hudson	13
I. M. Pace	13
H. R. Casey	13
I. N. Dorsey	13
E. D. Jackson	13

Which will fully appear by reference to the enclosed list of voters and tally-sheet. Given under our hands and official signatures this 5th day of November, 1872.

RANDOLPH RIDGLEY,
W'M F. McCLANAHAN,
F. W. GODBEE,
Superintendents.

DIRECTIONS.

The superintendents of the precinct must send the foregoing certificate properly filled, and all other papers of the election, including the ballots, under seal, to the county-site in charge of one of their number by 12 o'clock meridian of the next day.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Dec. 16, 1872.

A true copy of the original precinct return of the 70th district G. M., Burke County, of the election held November 5, 1872, for a member of Congress & for electors of President and Vice-President. Witness my hand and official seal.

[SEAL.]

DAVID G. COTTTING,
Secretary of State.

EXHIBIT J J.—*Precinct returns.*

STATE OF GEORGIA, *Burke County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary, or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so, according to the laws of this State, nor knowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so. So help me God.

W'M C. PALMER, *F. H.*,
G. O. PALMER, *F. H.*,
B. F. BROWN, *N. P. & Ex. off' J. P.*,
Superintendents.

Sworn to and subscribed before me this 5th day of November, 1872.

_____

Justice of the Peace.

STATE OF GEORGIA, *Burke County:*

By virtue of the statute in such cases made and provided, an election was held on the 5 day of November, 1872, at the court ground in 72 dist. in the county of Burke, for a member of Congress to represent the first congressional district in the 43d Congress of the United States and for electors of President and Vice-President of the United States, certify that, upon counting out the votes polled, the following is the result:

Names of candidates for 43 Congress.	Number of votes polled.
Morgan Rawls received	9 nine 9

Names of candidates for electors.	Number of votes polled.
Washington Poe	9 nine 9
W. T. Wofford	9 nine 9
Julien Hartridge	9 nine 9
H. S. Benning	9 nine 9
H. G. Turner	9
R. N. Ely	9 nine 9
W. I. Hudson	9 nine 9
J. M. Pace	9 nine 9
H. R. Casey	9 nine 9
Jasper Dorsey	9 nine 9
E. D. Graham	9 nine 9

Which will fully appear by reference to the enclosed list of voters and tally-sheet. Given under our hands and official signatures this 5th day of November, 1872.

W'M C. PALMER,
G. A. PALMER,
R. H. BROWN, *N. P. & ex. off' J. P.*,
Superintendents.

DIRECTIONS.

The superintendents of the precinct must send the foregoing certificate properly filled, and all other papers of the election, including the ballots under seal, to the county-site in charge of one of their number by 12 o'clock meridian of the next day.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Dec'r 16, 1872.

A true copy of the original precinct return of an election held at the court ground, 72d dist. G. M., held November 5, 1872, for a member of Congress and electors of President and Vice-President. Witness my hand and official seal.

[SEAL.]

DAVID G. COTTING,
Secretary of State.

EXHIBIT K K.—*Precinct-returns.*

STATE OF GEORGIA, *Burke County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary, or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor knowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so: So help me God.

SOL. K. MILLS, *F. H.*,
ROB'T CHANDLEY, *F. H.*,
PENDLETON SAPP, *F. H.*,
Superintendents.

Sworn to and subscribed before me this 5th day of November, 1872.

ALEXANDER SIVELY,
Justice of the Peace.

STATE OF GEORGIA, *Burke County:*

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at sixty-fourth dist., G. M., in the county of Burke, for a member of Congress to represent the first congressional district in the 43 congress*ional district* of the United States, and for electors of President and Vice-President of the United States; and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for 43 Congress.	Number of votes polled.
Morgan Rawls received	62

Names of candidates for electors.	Number of votes polled.
W. T. Wofford received	62
H. L. Benning	62
Julian Hartridge	62
Washington Poe	62

H. G. Turner received	62
R. N. Ely	62
W. J. Hudson	62
James M. Pace	62
H. R. Casey	62
J. N. Dorsey	62
E. D. Graham	62

Which will fully appear by reference to the enclosed list of voters and tally-sheet.

Given under our hands and official signatures this 5th day of November, 1872.

ROBERT CHANDLER, *F. H.*,
PENDLETON SAPP, *F. H.*,
SOL. K. MILLS, *F. H.*,
Superintendents.

DIRECTIONS.

The superintendents of the precinct must send the foregoing certificate, properly filled, and all other papers of the election, including the ballots, under seal to the county site, in charge of one of their number, by 12 o'clock meridian of the next day.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Dec. 16, 1872.

A true copy of the original precinct-return of the 64th dist., G. M., Burke County, of the election for member of Congress & electors of President & Vice-President, held November 5, 1872.

Witness my hand & official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT L L.—*Precinct-returns.*

STATE OF GEORGIA, *Burke County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary, or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor knowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any vote was cast unless called on under the law to do so: So help me God.

W. E. LASSETER, *Freeholder*,
JOS. H. PERRY, *Freeholder*,
GEO. W. REEVES, *Freeholder*,
Superintendents.

Sworn to and subscribed before me this 5th day of November, 1872.

A. L. SHEWMAKE,
Justice of the Peace.

STATE OF GEORGIA, *Burke County:*

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at Alexander, in the county of Burke, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors for President & Vice-President of the United States; and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for governor.	Number of votes polled.
Andrew Sloan received	eighty (80)
Morgan Rawls	eighty-three (83)

Names of candidates for	Number of votes polled.		
Amos T. Akerman	80	W. T. Wofford received	83
Benjamin Conley	80	H. S. Benning	83
Amherst W. Stone	80	Julian Hartridge	83
Joel Johnson	80	Washington Poe	83
W. B. Jones	80	H. G. Turner	83
W. W. Merrill	80	R. M. Ely	83
Joel R. Griffin	80	W. T. Hudson	83
John F. Shine	80	James M. Pace	83
C. D. Forsyth	80	H. R. Casey	83
George S. Fisher	80	J. N. Dorsey	83
C. A. Ellington	80	E. D. Graham	83

Which will fully appear by reference to the enclosed list of voters and tally-sheet.

Given under our hands and official signatures this 5th day of November, 1872.

W. E. LASSETER, *Freeholder,*
JOS. H. PERRY, *Freeholder,*
GEO. W. REEVES, *Freeholder,*
Superintendents.

DIRECTIONS.

The superintendents of the district must send the foregoing certificate, properly filled, and all other papers of the election, including the ballots, under seal to the county site, in charge of one of their number, by 12 o'clock meridian of the next day.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Dec. 16, 1872.

A true copy of the original precinct-return of Alexander, Burke County, of the election held November 5, 1872, for Congress and electors of President and Vice-President.

Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT M M.—*Precinct returns.*

STATE OF GEORGIA, *Burke County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary, or free-

holders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor kowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any vote was cast unless called on under the law to do so. So help me God.

W. W. WALTOSE, *F. H.*,
J. ROB'T THOMAS, *N. P.*,
W. J. WIMBERLY, *J. P.*,
Superintendents.

Sworn to and subscribed before me this 5th day of November, 1872.
W. J. WIMBERLY,
Justice of the Peace.

STATE OF GEORGIA, *Burke County:*

By virtue of the staute in such cases made and provided, an election was held on the 5th day of November, 1872, at Gordon's precinct, in the county of Burke, for a member of Congress to represent the first congressional district in the 43d Congress of the United States and for electors of President and Vice-President of the United States; and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candadates for 43 Congress:	Number of votes polled:
Morgan Rawls received	146
Andrew Sloan	156

Names of candidates for electors:	Number of votes polled:		
W'm. T. Wofford	147	Amos. T. Akerman	156
Washington Poe	147	Benj. Conley	156
Henry S. Benning	147.	Amherst W. Stone	156
Julien Hartridge	147	Joel Johnston	156
H. G. Turner	147	W. W. Jones	156
Robert N. Ely.	147	W. W. Merrell	156
W. I. Hudson	147	Joel Griffin	156
J. M. Pace	147	John T. Shine	156
H. R. Casey	147	C. D. Forsyth	156
J. N. Dorsey	147	Geo. S. Fisher	156
E. D. Graham	147	C. A. Ellington	156

Which will fully appear by reference to the enclosed list of voters and tally-sheet.

Given under our hands and official signatures this fifth day of November, 1872.

W. W. WALTOSE, *F. H.*,
J. ROB'T THOMAS, *N. P.*,
W. J. WIMBERLY,
Superintendents.

DIRECTIONS.

The superintendents of the precinct must send the foregoing certificate properly filled, and all other papers of the election, including ballots, under seal, to the county site in charge of one of their number, by 12 o'clock meridian of the next day.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Dec'r 16, 1872.

A true copy of the original precinct return of Gordon's precinct, Burke County, of the election held November 5, 1872, for Congress and for electors of President and Vice-President.

Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT N N.—*Precinct returns.*

STATE OF GEORGIA, *Burke County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary, or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so, according to the laws of this State, nor knowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any one vote was cast, unless called on under the law to do so: So help me God.

ROBERT H. BURTON,
C. T. BELT,
NEEDHAM BALLARD,
Superintendents.

Sworn to and subscribed before me this 5th day of , 1872.
NEEDHAM BALLARD,
Justice of the Peace.

STATE OF GEORGIA, *Burke County:*

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at Bark Camp Cross Roads, in the County of Burk, embracing 73d, 74, 75 district G. M., for a member of Congress to represent the 5th congressional district in the 43 Congress of the United States, and for electors of President and Vice-President of the United States, district in the general assembly of said State; and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for 43 Congress:	Number of votes polled:
Morgan Rawls received	69
Andrew Sloan	38

Names of candidates for electors:		Number of votes polled:	
W'm T. Wofford	69	Amos T. Akerman	38
H. S. Benning	69	Benjamin Cowley	38
Julien Hartridge	69	Amherst W. Stone	38
Washington Poe	69	Joel Johnson	38
H. G. Turner	69	W. B. Jones	38
R. N. Ely	69	W. W. Merrell	38
W. I. Hudson	69	Joel R. Griffin	38
James M. Pace	69	John T. Shine	38
H. R. Casey	69	C. D. Forsyth	38
J. N. Dorsey	69	Geo. S. Fisher	38
E. D. Graham	69	C. A. Ellington	38

Which will fully appear by reference to the enclosed list of voters and tally-sheet.

Given under our hands and official signatures this 5th day of November, 1872.

ROB'T H. BURTON,
C. T. BELT,
NEEDHAM BALLARD,
Superintendents.

DIRECTIONS.

The superintendents of the precinct must send the foregoing certificate properly filled, and all other papers of the election, including the ballots, under seal, to the county site, in charge of one of their number, by 12 o'clock meridian of the next day.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 16, 1872.

A true copy of the original precinct return of Bark Camp Cross Roads, Burke County, of the election held November 5, 1872, for member of Congress & electors of President & Vice-President.

Witness my hand and official seal.

[SEAL.] DAVID G. GOTTING,
Secretary of State.

EXHIBIT O O.—*Precinct returns.*

STATE OF GEORGIA, *Burke County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary, or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor knowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so. So help me God.

MAJOR DANIEL, *J. P.*,
R. SAUER, *N. P.*,
J. D. COOK,
Superintendents.

Sworn to and subscribed before me this 5th day of November, 1872.

Justice of the Peace.

STATE OF GEORGIA, *Burke County:*

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at Tarver's Shop, 65th dist., in the county of Burke, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors of President and Vice-President of the United States. We, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for 43d Congress.	Number of votes polled.
Morgan Rawls received	65
Andrew Sloan	12

Names of candidates for electors.		Number of votes polled.		
H. L. Benning	61	Amherst W. Stone	12
W. T. Wofford	61	Joel Johnson	12
Julian Hartridge	61	W. B. Jones	12
Washington Poe	61	W. W. Merrill	12
H. G. Turner	61	Joel R. Griffin	12
R. N. Ely	61	John F. Shine	12
W. I. Hudson	61	C. D. Forsyth	12
James M. Pace	61	George S. Fisher	12
H. R. Casey	61	C. A. Ellington	12
J. N. Dorsey	61	A. T. Akerman	12
E. D. Graham	61	Benjamin Conley	12
P. Reynolds received	4	G. M. McDaniel	4
W. H. Weems	4	H. J. Bates	4
M. L. Mershon	4	A. S. Atkinson	4
T. L. Gussy	4	M. W. Lewis	4
J. H. Woodward	4	G. M. Netherland	4
H. Persons	4		

Which will fully appear by reference to the enclosed list of voters and tally-sheets.

Given under our hands and official signatures this 5th day of November, 1872,

J. D. COOK,
M. DANIEL, *J. P.*,
R. SAUER, *N. P.*,
Superintendents.

DIRECTIONS.

The superintendents of the precinct must send the foregoing certificate, properly filled, and all other papers of the election, including the ballots, under seal, to the county site, in charge of one of their number, by 12 o'clock meridian of the next day.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 16, 1872.

A true copy of the original precinct-return of Tarver's Shop, 65 dist., G. M. precinct, Burke County, of the election held Nov. 5, 1872, for Congress and for electors of President and Vice-President.

Witness my hand and official seal.

[SEAL.]

DAVID G. COTTING,
Secretary of State.

EXHIBIT P P.—*Precinct returns.*

STATE OF GEORGIA, *Burke County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary, or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this

State, nor knowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so. So help me God.

JNO. D. MANNERLYN, *F. H.*,
W'M W. STURGES, *F. H.*,
F. H. BLOUNT, *N. P. & Ex-off. J. P.*,
Superintendents.

Sworn to and subscribed before me this 5th day of November, 1872.

Justice of the Peace.

STATE OF GEORGIA, *Burke County:*

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at Waynesboro, in the county of Burke, for a member of Congress to represent the 1st congressional district in the 43 Congress of the United States, and for electors of President and Vice-President of the United States; and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for 43d Congress.	Number of votes polled.
Morgan Rawls received	475
Andrew Sloan	220

Names of candidates for electors.		Number of votes polled.	
W'm T. Wofford	478	Amos T. Akerman	218
Julian Hartridge	478	Benjamin Conley	218
Washington Poe	478	Amherst W. Stone	218
H. G. Turner	478	Joel Johnson	218
R. N. Ely	478	W. B. Jones	218
W. I. Hudson	478	W. W. Merrill	218
J. M. Pace	478	Joel R. Griffin	218
H. R. Casey	478	John F. Shine	218
J. N. Dorsey	478	C. D. Forsyth	218
E. D. Graham	478	C. A. Ellington	218

Which will fully appear by reference to the enclosed list of voters and tally sheet.

Given under our hands and official signatures this 6th day of November, 1872.

JNO. D. MANNERLYN, *F. H.*,
W'M W. STURGES, *F. H.*,
F. H. BLOUNT, *N. P. & Ex-off. J. P.*,
Superintendents.

DIRECTIONS.

The superintendents of the precincts must send the foregoing certificate, properly filled, and all other papers of the election, including the ballots, under seal, to the county site, in charge of one of their number, by 12 o'clock meridian of the next day.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Dec. 16, 1872.

A true copy of the original precinct-return of Waynesboro, Burke Count', of the election held November 5th, 1872, for Congress and electors.

Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT Q Q.—*Precinct returns.*

STATE OF GEORGIA, *Burke County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary, or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor knowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so: so help me God.

R. B. HALL, *N. P. & O. J. P.*
J. W. GRUBBS, *J. P.*
MACP. B. EVE, *Freeholder.*
Superintendents.

Sworn to and subscribed before me this 5th day of November, 1872.

J. W. GRUBBS,
Justice of the Peace.

STATE OF GEORGIA, *Burke County:*

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at 71st dist. G. M., in the county of Burke, for a member of Congress to represent the first congressional district in the 43d Congress of the United States; and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for Forty-Third Congress.	Number of votes polled.
Morgan Rawls received	24
Andrew Sloan	590
President & Vice-President:	
Cha's O'Connor & J. Q. Adams	3

Names of candidates for electors.	Number of votes polled.
Amos T. Akerman received	585
Benjamin Conley	585
Amherst W. Stone	585
Joel Johnson	585
W. B. Jones	585
W. W. Merrill	585
Joel R. Griffin	585
John F. Shine	585
C. D. Forsyth	585
George S. Fisher	585
C. A. Ellington	585
W. F. Wofford	30
H. S. Benning	30
Julian Hartridge	30
Washington Poe	30
H. G. Turner	30
R. N. Ely	30
W. J. Hudson	30
James M. Pace	30
H. R. Casey	30
J. N. Dorsey	30
E. D. Graham	30
H. H. Perry	1

Which will fully appear by reference to the enclosed list of voters and tally-sheet.

Given under our hands and official signatures this 5th day of October, 1872.

JAMES W. GRUBBS, *J. P.*
R. B. HALL, *N. P. & O. J. P.*
MACPHERSON B. EVE, *Freeholder.*
Superintendents.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Feb'y 24, 1873.

A true copy of the original precinct return of the 71st dis't G. M., Burke County, on file in this office.

N. C. BARNETT,
Secretary of State.

EXHIBIT R R.

ANDREW SLOAN }
vs.
MORGAN RAWLS. }

SAVANNAH, GA., *Dec'r* 30, 1872.

Mr. JNO. D. MUNNERLYN,
Clerk Sup'r Court of Burke County, Georgia:

SIR: You are hereby notified that I have filed notice of my intention to contest the right of Hon. Morgan Rawls to the seat as member of the 43d Congress from the first congressional district of Georgia, & also my grounds of contest.

You are hereby therefore notified that I will call for the list of voters, ballots, and other papers pertaining to said election in your county, & you are requested and notified not to destroy the same until the evidence in said contested case can be taken.

I am, very respectfully, your ob't serv't,

ANDREW SLOAN.

GEORGIA, *Chatham County:*

I, Jesse Wimberly, do hereby make oath that I am well acquainted with John D. Munnerlyn, the person named in this notice, and that I served a true and exact copy of said notice on him on the first day of January, 1873, at Waynesboro', Burke County, Ga.

JESSE WIMBERLY.

Sworn to before me at Savannah, Ga., Jan'y the 10th, 1873.
[SEAL.] M. J. O'DONOGHUE,
Notary Public, Chatham Co., Georgia.

EXHIBIT S S.—*Consolidated return.*

STATE OF GEORGIA,
Appling County:

We, the undersigned, a majority of the managers at the court-house. and one manager for each other voting place, of an election held in

Appling County on the 5th day of November, 1872, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors for President and Vice-President of the United States, do certify that we have this day met and consolidated the returns of the other voting-places with the court-house, and that the following is the result:

Names of candidates for Forty-third Congress.		Number of votes polled.
Morgan Rawls	received	153
Andrew Sloan	"	9

Names of candidates for electors.		Number of votes polled.
W'm T. Wofford	received	138
Washington Poe	"	138
Henry L. Benning	"	138
Julian Hartridge	"	138
H. G. Turner	"	138
Robert N. Ely	"	138
W. I. Hudson	"	138
J. M. Pace	"	138
Henry R. Casey	"	138
J. N. Dorsey	"	138
E. D. Graham	"	138

Names of candidates for electors.		Number of votes polled.
Amos T. Akerman	received	9
Benj. J. Conley	"	9
Amhurst W. Stone	"	9
Joel Johnson	"	9
W. B. Jones	"	9
W. W. Merrill	"	9
Joel R. Griffin	"	9
John F. Shine	"	9
C. D. Forsyth	"	9
George S. Fisher	"	9
C. A. Ellington	"	9

And we herewith enclose a list of voters and tally-sheet and return for each voting-place, with the managers' oath.

Witness our hands and seals, this sixth day of November, 1872.

BANNER THOMAS,
JAMES H. ABBOT,
JACKSON TYLER,
LEMUEL SELLERS,
Managers.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., November 11th, 1872.

The above and foregoing is a true copy of the original consolidated return of the election held in Appling County, on the 5th day of November, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia in the 43d Congress of the United States.

Witness my hand and official seal.

[SEAL.]

DAVID G. COTTING,
Secretary of State.

EXHIBIT T T.—*Consolidated return.*

STATE OF GEORGIA,
Charlton County:

We, the undersigned, a majority of the managers at the court-house, and one manager for each other voting-place of an election held in County, on the 5th day of November, 1872, for a member of Congress to represent the congressional district in the 43d Congress of the United States, and for electors for President and Vice-President of the United States, do certify that we have this day met and consolidated the returns of the other voting-places with the court-house, and that the following is the result:

Names of candidates for Forty-third Congress.	Number of votes polled.
Morgan Rawls received	50
Andrew Sloan	147

Names of candidates for electors.	Number of votes polled.
W'm T. Wofford received	52
Washington Poe	52
Henry L. Benning	52
Julian Hartridge	52
H. G. Turner	52
Robert N. Ely	52
W. I. Hudson	52
J. M. Pace	52
Henry R. Casey	52
J. N. Dorsey	52
E. D. Graham	52

Names of candidates for electors.	Number of votes polled.
Amos T. Akerman received	148
Benj. Conley	148
Amhurst W. Stone	148
Joel Johnson	148
W. B. Jones	148
W. W. Merrill	148
Joel R. Griffin	148
John F. Shine	148
C. D. Forsyth	148
George S. Fisher	148
C. A. Ellington	148

And we herewith enclose a list of voters and tally-sheet and return for each voting-place, with the managers' oath.

Witness our hands and seals this 6th November, 1872.

FENSE SMITH, [L. S.]
JOHN E. BRYANT, [L. S.]
H. H. CASON, [L. S.]
Managers.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 11, 1872.

The above and foregoing is a true copy of the original consolidated return of the election held in Charlton County on the 5th day of November, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia in the 43d Congress of the United States.

Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT U U.—*Consolidated return.*

STATE OF GEORGIA, *Ware County:*

We, the undersigned, a majority of the managers at the court-house, and one manager for each voting-place, of an election held in Ware County on the 5th day of November, 1872, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors for President and Vice-President of the United States, do certify that we have this day met and consolidated the returns of the other voting-places with the court-house, and that the following is the result:

Names of candidates for Forty-Third Congress.	Number of votes polled.
Morgan Rawls received	
Andrew Sloan	

Names of candidates for electors.	Number of votes polled.
Wm. T. Wofford received	
Washington Poe	
Henry L. Benning	
Julian Hartridge	
H. G. Turner	
Robert N. Ely	
W. I. Hudson	
J. M. Pace	
Henry R. Casey	
J. N. Dorsey	
E. D. Graham	

Names of candidates for electors.	Number of votes polled.
Amos T. Akerman received	
Benj. Conley	
Amhurst W. Stone	
Joel Johnson	
W. B. Jones	
W. W. Merrill	
Joel R. Griffin	
John F. Shine	
C. D. Forsyth	
George S. Fisher	
C. A. Ellington	

And we herewith enclose a list of voters and tally-sheet and return for each voting-place, with the managers' oath.

Witness our hands and seals this sixth November, 1872.

D. H. BENNETT,
DAVID WALKER, *Freeholder*,
B. J. WALDRON, *Freeholder*,
Managers.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 11, 1872.

The above and foregoing is a true copy of the original consolidated return of the election held in Ware County on the 5th day of November, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia in the 43d Congress of the United States.

Witness my hand and official seal.

DAVID G. COTTING,
Secretary of State.

The figures of the vote for member of Congress and electors in Ware County are not carried out, but the return appears as above. Upon consolidating the vote of the precincts in this office Rawls has 132 votes; Sloan, 116; Greeley electors, 130; Grant, 116.

DAVID G. COTTING,
Secretary of State.

EXHIBIT V V.

Names of candidates for President.

For the State at large:

William Wofford	200
Washington Poe	200
Henry L. Benning	200
Julian Hartridge	200
First district, H. G. Turner	200
Second district, Robert N. Ely	200
Third dist., W. J. Hudson	200
Fourth dist., J. M. Pace	200
Fifth dist., Henry R. Casey	200
Sixth dist., J. N. Dorsey	200
Seventh dist., E. D. Graham	200
For Congress, Morgan Rawls	200
Sloan	272
Amos T. Akerman	272
Benjamin Conly, at large	272
First district, Amherst W. Stone	272

Second district, Joel Johnson.
Third dist., W. B. Jones.
Fourth dist., W. W. Merrill.
Fifth dist., Joel R. Griffin.
Sixth dist., John F. Shine.
Seventh dist., C. D. Forsyth.
Eighth dist., George S. Fisher.
Ninth dist., C. A. Ellington.

We, as superintendents of this election, consolidating, find, upon counting the votes, that the above is a true, and just as reported to us by (the) the superintendents of said election, was held in conformity to the statute of said State.

Given under our hands and seals this Nov. 6, 1872.

A. J. BUTLER.
JOHN J. HAZEMAN.
his
ISAAC + RUSH,
mark.
Trufuller.

GEORGIA:

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Dec. 11, 1862.

The above, and the foregoing page of written matter, is a true copy of the original consolidated return of the election held in Bryan County, in said State, on the 5th day of November, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia in the 43d Congress of the United States.

Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT W. W.—*Consolidated return.*

STATE OF GEORGIA, *Bullock County:*

We, the undersigned, a majority of the managers at the court-house, and a manager for each other voting-place of an election, held in County, on the 5th day of November, 1872, for a member of Congress to represent the congressional district, in the 43d Congress of the United States, and for electors for President and Vice-President of the United States, do certify that we have this day met and consolidated the returns of the other voting places with the court-house, and that the following is the result:

Names of candidates for 43d Congress:	Number of votes polled:
Morgan Rawls received	568
Sloan	Nothing.

Names of candidates for electors:	Number of votes polled
For State at large:	
Julian Hartridge received	563
W. T. Wofford	563
Washington Poe	563
Henry S. Benning	563
First district, H. G. Turner	563
Second district, Robert N. Ely	563
Third district, W. I. Hudson	563
Fourth district, J. M. Pace	563
Fifth district, Henry R. Casey	563
Sixth district, J. N. Dorsey	563

Seventh district, E. D. Graham	563
A. T. Akerman	0
Ben. Conley	0
A. W. Stone	0
Joel Johnson	0
W. R. Jones	0
W. W. Merrill	0
J. R. Griffin	0
J. F. Shine	0
C. D. Forsyth	0
G. P. Fisher	0
C. A. Ellington	0

And we herewith enclose a list of the voters and tally-sheet and return for each voting place, with the manager's oath.

Witness our hands and seals this 5th November, 1872.

D. L. PROCTOR,
J. C. DE LOACH,
JOHN GREEN,
M. J. GREEN,
DAVID BEASLEY, SEN.,
W. F. SANDERS,
Managers.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga. Feb'y 18, 1873.

I certify that the above and foregoing is a true copy of the original consolidated return of the election held on the 5th day of November, 1872, for member of Congress & electors of President and Vice-President of the United States.

Witness my hand and seal of office.

[SEAL.]

N. C. BARNETT,
Secretary of State.

EXHIBIT XX.—*Consolidated return.*

STATE OF GEORGIA, *Clinch County:*

We, the undersigned, a majority of the managers at the court-house, and one manager for each other voting place, of an election held in Clinch County on the 5th day of November, 1872, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors for President and Vice-President of the United States, do certify that we have this day met, and consolidated the returns of the other voting places with the court-house, and that the following is the result:

Names of candidates for Forty-third Congress:	Number of votes polled:	
Morgan Rawls	Received	291
Andrew Sloan		28

Names of candidates for electors:	Number of votes polled:	
W'm T. Wofford	Received	291
Washington Poe		291

Henry L. Benning	291
Julian Hartridge	291
H. G. Turner	291
Robert N. Ely	291
W. I. Hudson	291
J. M. Pace	291
Henry R. Casey	291
J. N. Dorsey	291
E. D. Graham	291

Names of candidates for electors:	Number of votes polled:	
Amos T. Akerman	Received	26
Benj. Conley		26
Amherst W. Stone		26
Joel Johnson		26
W. B. Jones		26
W. W. Merrill		26
Joel R. Griffin		26
John F. Shine		26
C. D. Forsyth		26
George S. Fisher		26
C. A. Ellington		26

And we herewith enclose a list of voters, and tally-sheet and return for each voting place, with the managers' oath.

Witness our hands and seals this 6th November, 1872.

ELI EDWARDS, *J. P.*
M. M. CARROLL, *F. H.*,
H. SIRMON, *F. H.*,
his
DANIEL + CORBETT,
mark,
GEORGE MIHSEL,
Managers.

SECRETARY OF STATE'S OFFICE,
ATLANTA, GA., *December 11th*, 1872.

The above and foregoing is a true copy of the original consolidated return of the election held in Clinch County, on the 5th day of November, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia in the 43d Congress of the United States.

Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT YY.—*Consolidated return.*

STATE OF GEORGIA, *Echols County:*

We, the undersigned, a majority of the managers at the court-house, and one manager for each voting place, of an election held in Echols County on the 5th day of November, 1872, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors for President and Vice-President of the

United States, do certify that we have this day met and consolidated the returns of the other voting places with the court-house, and that the following is the result:

Names of candidates for Forty-third Congress:	Number of votes polled:	
Morgan Rawls	Received	47
Andrew Sloan		75

Names of candidates for electors.	Number of votes polled:	
W'm T. Wofford	Received	75
Washington Poe		75
Henry L. Benning		75
Julian Hartridge		75
H. G. Turner		75
Robert N. Ely		75
W. I. Hudson		75
J. M. Pace		75
Henry R. Casey		75
J. N. Dorsey		75
E. D. Graham		75

Names of candidates for electors:	Number of votes polled:	
RAD'S.		
Amos T. Akerman	Received	45
Benj. Conley		45
Amhurst W. Stone		45
Joel Johnson		45
W. B. Jones		45
W. W. Merrill		45
Joel R. Griffin		45
John F. Shine		45
C. D. Forsyth		45
George S. Fisher		45
C. A. Ellington		45

And we herewith enclose a list of voters, and tally-sheet and return for each voting place, with the managers' oath.

Witness our hands and seals this 6th November, 1872.

F. M. PRESCOTT, *N. P.*,
W. H. SLOWELLE,
G. A. CARTER,
Managers.

SECRETARY OF STATE'S OFFICE,
ATLANTA, GA., *December* 11, 1872.

The above and foregoing is a true copy of the original consolidated return of the election held in Echols County, on the 5th day of November, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia in the 43d Congress of the United States.

Witness my hand and official seal.

[SEAL.]

DAVID G. COTTING,
Secretary of State.

EXHIBIT ZZ.—*Consolidated return.*

STATE OF GEORGIA, *Effingham County:*

We, the undersigned, a majority of the managers at the court-house, and one manager for each other voting place, of an election held in Effingham County, on the 5th day of November, 1872, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors for President and Vice-President of the United States, do certify that we have this day met and consolidated the returns of the other voting places with the court-house, and that the following is the result:

Names of candidates for Forty-third Congress:	Number of votes polled:
Morgan Rawls received	272
Andrew Sloan	157

Names of candidates for electors:	Number of votes polled:
William T. Wofford received	263
Washington Poe	263
Henry L. Benning	263
Julian Hartridge	263
H. G. Turner	265
Robert N. Ely	263
W. I. Hudson	263
J. M. Pace	263
Henry R. Casey	263
J. N. Dorsey	263
E. D. Graham	263

Names of candidates for electors:	Number of votes polled:
Amos T. Akerman received	207
Benj. Conley	207
Amhurst W. Stone	207
Joel Johnson	207
W. B. Jones	207
W. W. Merrill	207
Joel R. Griffin	207
John F. Shine	207
C. D. Forsyth	207
George S. Fisher	207
C. A. Ellington	207
Blank	1

And we herewith enclose a list of voters, and tally-sheet and return for each voting place, with the managers' oath.

Witness our hands and seals this sixth November, 1872.

JAMES F. BERRY, *Freeholder.* [L. S.]
JAMES R. RAHN, *Freeholder.* [L. S.]
SOLOMON S. WEITMAN,
Justice of the Peace. [L. S.]

,
,
Managers.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 11, 1872.

The above and foregoing is a true copy of the original consolidated return of the election held in Effingham County on the 5th day of November, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia in the 43d Congress of the United States.

Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT A A A.—*Consolidated return.*

STATE OF GEORGIA, *Emanuel County:*

We, the undersigned, a majority of the managers at the court-house, and one manager for each other voting place of an election held in Emanuel County, on the 5th day of November, 1872, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors for President and Vice-President of the United States, do certify that we have this day met and consolidated the returns of the other voting places with the court-house, and that the following is the result:

Names of candidates for the Forty-third Congress:	Number of votes:
Morgan Rawls received	348
Andrew Sloan	70

Names of candidates for electors:	Number of voters polled:
W'm T. Wofford	333
Washington Poe	333
Henry L. Benning	333
Julian Hartridge	333
H. G. Turner	333
Robert N. Ely	333
W. I. Hudson	333
J. M. Pace	333
Henry R. Casey	333
J. N. Dorsey	333
E. D. Graham	333

Names of candidates for electors:	Number of votes polled:
Amos T. Akerman received	
Benj. Conley	
Amhurst W. Stone	
Joel Johnson	
W. B. Jones	
W. W. Merrill	
Joel R. Griffin	
John F. Shine	
C. D. Forsyth	
George S. Fisher	
C. A. Ellington	

And we herewith enclose a list of voters and tally-sheet, and return for each voting place, with the managers' oath.

Witness our hands and seals, this 6th November, 1872.

JOHN N. SHERROD, *J. P.*,
M. P. WARD, *F. H.*,
D. H. SMITH, *F. H.*,
Managers.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 11th, 1872.

The above and foregoing is a true copy of the original consolidated return of the election held in Emanuel County, on the 5th day of November, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia in the 43d Congress of the United States.

Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT B B B.—*Consolidated return.*

STATE OF GEORGIA, *Glynn County:*

We, the undersigned, a majority of the managers at the court-house, and one manager for each other voting place, of an election held in Glynn County on the 5th day of November, 1872, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors for President and Vice-President of the United States, do certify that we have this day met and consolidated the returns of the other voting places with the court-house, and that the following is the result:

Names of candidates for Forty-third Congress.	Number of votes polled.
Morgan Rawls received	243
Andrew Sloan	566

Names of candidates for electors.	Number of votes polled.
Wm. T. Wofford received	240
Washington Poe	240
Henry L. Benning	240
Julian Hartridge	240
H. G. Turner	240
Robert N. Ely	240
W. I. Hudson	240
J. M. Pace	240
Henry R. Casey	240
J. N. Dorsey	240
E. D. Graham	240

Names of candidates for electors.	Number of votes polled.
Amos T. Akerman received	561
Benj. Conley	561
Amhurst W. Stone	561
Joel Johnson	561
W. B. Jones	561
W. W. Merrill	561

Joel R. Griffin	561
John F. Shine	561
C. D. Forsyth	561
George S. Fisher	561
C. A. Ellington	561

Irregular votes:

Horace Greeley	1
Gratz Brown	1
Dimocratic electors	1

And we herewith enclose a list of voters and tally-sheet and return for each voting place, with the managers' oath.

Witness our hands and seals this fifth November, 1872.

HENRY T. DUNN,
JAMES E. LAMBRIGHT,
EDW. T. WARE,
N. P. & E. J. P.
J. E. CORMBIES,
DAVID T. DUNN, *Managers.*

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 11th, 1872.

The above and foregoing is a true copy of the original consolidated return of the election held in Glynn County on the 5th day of November, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia in the 43d Congress of the United States. Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT C C C.—*Consolidated return.*

STATE OF GEORGIA, *Liberty County:*

We, the undersigned, a majority of the managers at the court-house, and one manager for each other voting place, of an election held in Liberty County on the 5th day of November, 1872, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for presidential electors, do certify that we have this day met and consolidated the returns of the other voting places with the court-house, and that the following is the result:

Names of candidates for Forty-third Congress.	Number of vores polled.
Morgan Rawls received	238
Andrew Sloan	603

Names of candidates for electors.	Number of votes polled.
Wm. T. Wofford received	204
Washington Poe	204
Henry L. Benning	204
Julian Hartridge	204

H. G. Turner	204
Robert N. Ely	204
W. I. Hudson	204
J. M. Pace	204
Henry R. Casey	204
J. N. Dorsey	204
E. D. Graham	204
Parmedus Reynolds	19
W. H. Weenes	19
M. S. Mershon	19
T. S. Garry	19
John H. Woodward	19
Henry Persons	19
George M. McDonald	19
Dr. H. J. Bates	19
A. L. Atkinson	19
Miles W. Lewis	19
G. M. Nettheland	19

Names of candidates for electors.	Number of votes polled.
Amos T. Akerman received	599
Benj. Conley	599
Amhurst W. Stone	599
Joel Johnson	599
W. B. Jones	599
W. W. Merrill	593
Joel R. Griffin	599
John F. Shine	599
C. D. Forsyth	599
George S. Fisher	599
C. A. Ellington	599

And we herewith enclose a list of voters and tally-sheet and return for each voting-place, with the managers' oath.

Witness our hands and seals, this 6th November, 1872.

WM. S. NORMAN,
N. P. & J. P. Liberty Co.,
BENJAMIN DORSEY,
Freeholder,
LEWIS E. RYALS,
Freeholder,
JEREMIAH S. SHAW,
Justice of the Peace,
WILLIAM O. KENNEDY,
Justice of the Peace,
WM. B. GUNTHER,
Freeholder,
his
CYRUS + TRUSBY,
mark.
Managers.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 11, 1872.

The above and foregoing is a true copy of the original consolidated return of the election held in Liberty County on the 5th day of Novem-

ber, 1872, for electors of President and Vice-President of the Un States, and for a member of Congress to represent the first cong sional district of Georgia in the 43d Congress of the United Sta Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of Stat

EXHIBIT D D D.—*Consolidated return.*

STATE OF GEORGIA, *McIntosh County:*

We the undersigned, a majority of the managers at the court-ho and one manager for each other voting-place, of an election hel McIntosh County on the 5th day of November, 1872, for a membe Congress to represent the first congressional district in the 43d Cong of the United States, and for electors for President and Vice-Presi of the United States, do certify that we have this day met and con dated the returns of the other voting-places with the court-house, that the following is the result:

Names of candidates for Forty-third Congress:	Whole number of votes polled,
Morgan Rawls received	
Andrew Sloan	
Blank	

Names of candidates for electors:	Number of votes pol
W'm T. Wofford received	
Washington Poe	
Henry L. Benning	
Julian Hartridge	
H. G. Turner	
Robert N. Ely	
W. I. Hudson	
J. M. Pace	
Henry R. Casey	
J. N. Dorsey	
E. D. Graham	

Names of candidates for electors:	Number of votes po
Amos T. Akerman received	
Benjamin Conley	
Amhurst W. Stone	
Joel Johnson	
W. B. Jones	
W. W. Merrill	
Joel R. Griffin	
John F. Shine	
C. D. Forsyth	
George S. Fisher	
C. A. Ellington	
W. H. Harris	
John F. Egyard	
Parmedus Reynolds	
Walter H. Weems	
T. S. Greery	
J. H. Woodward	

Henry Persons	2
G. M. McDonald	2
M. H. Perry	1
E. W. Allfreud	1
Miles Edwards	1
F. O. Jacob	1
J. W. Budsey	1
L. S. Bailey	1
G. H. Casey	1
H. J. Bates	2
A. S. Albenson	2
M. W. Lewis	2
G. M. Netherland	2
Henry F. Andrews	1
S. A. McNeel	1

And we herewith enclose a list of voters and tally-sheet and return for each voting-place, with the managers' oath.

Witness our hands and seals, this 6th November, 1872.

LEWIS JACKSON, *Ordinary M. C.*,
W'M T. THAYER, *Justice of the Peace*,
SECTURED CRAWFORD, *Freeholder*,
JAMER WALKER, *Justice of the Peace*,
Managers.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Dec. 11, 1872.

The above and foregoing is a true copy of the original consolidated return of the election held in McIntosh County, on the 5th day of November, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia in the 43d Congress of the United States.

Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT E E E.—*Consolidated return.*

STATE OF GEORGIA, *Pierce County:*

We, the undersigned, a majority of the managers at the court-house, and one manager for each other voting place, of an election held in Pierce County on the 5th day of November, 1872, for a member of Congress to represent the 1st congressional district in the 43d Congress of the United States, and for electors for President and Vice-President of the United States, do certify that we have this day met and consolidated the returns of the other voting places with the court-house, and that the following is the result:

Names of candidates for Forty-third Congress.	Number of votes polled.	
Morgan Rawls	Received	180
Andrew Sloan		147

Names of candidates for electors.	Number of votes polled.	
W'm T. Wofford	Received	163
Washington Poe		163
Henry L. Benning		163
Julian Hartridge		163
H. G. Turner		163
Robert N. Ely		163
W. I. Hudson		163
J. M. Pace		163
Henry R. Casey		163
J. N. Dorsey		163
E. D. Graham		163
Parinedas Reynolds		13
Walter H. Weems		13
M. L. Mershon		13
T. L. Guerry		13
John H. Woodward		13
Henry Persons		13
George M. McDowell		13
H. J. Bates		13
Alexander L. Atkinson		13
Miles W. Lewis		13
G. M. Netherland		13

Names of candidates for electors.	Number of votes polled.	
Amos T. Akerman	Received	149
Benj. Conley		149
Amhurst W. Stone		149
Joel Johnson		149
W. B. Jones		149
W. W. Merrill		149
Joel R. Griffin		149
John F. Shine		149
C. D. Forsyth		149
George S. Fisher		149
C. A. Ellington		149

And we herewith inclose a list of voters and tally-sheet, and return for each voting place, with the managers' oath.

Witness our hands and seals this 6th day of November, 1872.

————————, *Managers.*

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 11, 1872.

The above and foregoing is a true copy of the original consolidated return of the election held in Pierce County on the 5th day of November, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia in the 43d Congress of the United States.

Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT F F F.—*Consolidated returns.*

STATE OF GEORGIA, *Scriven County:*

We, the undersigned, a majority of the managers at the court-house, and one manager for each other voting place, of an election held in Scriven County on the 5th day of November, 1872, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors for President and Vice-President of the United States, do certify that we have this day met and consolidated the returns of the other voting places with the court-house, and that the following is the result:

Names of candidates for Forty-third Congress.	Number of votes polled.
Morgan Rawls received	554
Andrew Sloan	205

Names of candidates for electors.	Number of votes polled.
William T. Wofford received	553
Washington Poe	553
Henry L. Benning	553
Julian Hartridge	553
H. G. Turner	553
Robert N. Ely	553
W. I. Hudson	553
J. M. Pace	553
Henry R. Casey	553
J. N. Dorsey	553
E. D. Graham	553
Amos T. Akerman	205
Benjamin Conley	205
Amherst W. Stone	205
Joel Johnson	205
W. B. Jones	205
W. W. Merrill	205
Joel R. Griffin	205
John F. Shine	205
C. D. Forsyth	205
George S. Fisher	205
C. A. Ellington	205

And we herewith inclose a list of voters and tally-sheet, and return for each voting place, with the managers' oath.

Witness our hand and seals this sixth day of November, 1872.

ALEX. J. LAWTON, *Freeholder.*
WILLIAM J. GROSS, *Freeholder,*
JOSEPH J. ARNETT, *Freeholder,*
HOWELL LOSSER,
Justice of the Peace,
LEWIS GROVENSTENE, *Freeholder,*
W. G. WATERS, *Freeholder,*
Managers.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 11, 1872.

The above and foregoing is a true copy of the original consolidated return of the election held in Screven County on the 5th day of Novem-

ber, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia in the 43d Congress of the United States.

Witness my hand and official seal.

DAVID G. COTTING,
Secretary of State.

EXHIBIT G G G.—*Consolidated return.*

STATE OF GEORGIA, *Tatnall County:*

We, the undersigned, a majority of the managers at the court-house, and one manager for each other voting place, of an election held in Tatnall County, on the 5th day of November, 1872, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors for President and Vice-President of the United States, do certify that we have this day met and consolidated the returns of the other voting places with the court-house, and that the following is the result:

Names of candidates for Forty-third Congress:	Number of votes polled:
Morgan Rawls received	376
Andrew Sloan	46

Names of candidates for electors:	Number of votes polled:
William T. Wofford received	346
Washington Poe	346
Henry L. Benning	346
Julian Hartridge	346
H. G. Turner	346
Robert N. Ely	346
W. I. Hudson	346
J. M. Pace	346
Henry R. Casey	346
J. N. Dorsey	346
E. D. Graham	946

Names of candidates for electors:	Number of votes polled
Amos T. Akerman received	5
Benjamin Conley	5
Amhurst W. Stone	5
Joel Johnson	5
W. B. Jones	5
W. W. Merrill	5
Joel R. Griffin	5
John F. Shine	5
C. D. Forsyth	5
George S. Fisher	5
C. A. Ellington	5

And we herewith inclose a list of voters and tally-sheet, and return for each voting place, with the managers' oath.

Witness our hands and seals this 6th November, 1872.

JOHN H. ROGERS,
JOSIAH KENNEDY,
W'M J. HURLY,
W'M DOUBERLEY,
W'M McLAIN,
J. M. J. SMITH,
C. H. MANN,
Managers.
WM. P. DALEY, *J. P.*

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 11, 1872.

The above and foregoing is a true copy of the original consolidated return of the election held in Tatnall County on the 5th day of November, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia in the 43d Congress of the United States.

Witness my hand and official seal.

DAVID G. COTTING,
Secretary of State.

EXHIBIT H H H.—*Consolidated return.*

STATE OF GEORGIA, *Wayne County:*

We, the undersigned, a majority of the managers at the court-house, and one manager for each other voting place, of an election held in Wayne County on the 5th day of November, 1872, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors of President and Vice-President of the United States, do certify that we have this day met and consolidated the returns of the other voting places with the court-house, and that the following is the result:

Names of candidates for Forty-third Congress.	Number of votes polled.
Morgan Rawls received	143
Andrew Sloan	59

Names of candidates for electors.	Number of votes polled.
Wm. T. Wofford received	138
Washington Poe	138
Henry L. Benning	138
Julian Hartridge	138
H. G. Turner	138
Robert N. Ely	138
W. I. Hudson	138
J. M. Pace	138
Henry R. Casey	138
J. N. Dorsey	138
E. D. Graham	138

Names of candidates for electors.	Number of votes polled.
Amos T. Ackerman received	59
Benj. Conley	59

Amhurst W. Stone	59
Joel Johnson	59
W. B. Jones	59
W. W. Merrill	59
Joel R. Griffiin	59
John F. Shine	59
C. D. Forsyth	59
George S. Fisher	59
C. A. Ellington	59

And we herewith inclose a list of voters and tally-sheet, and return for each voting place, with the managers' oath.

Witness our hands and seals this sixth November, 1872.

WILLIS CLAY, *F. H.*,
S. R. HARRIS, *J. P.*,
THOMAS PURDEW, *F. H.*,
BENJAMIN LEWIS, *F. H.*,
HENRY R. FOST, *and Not. Pub. W. Co.*,
W. S. MIDDLETON, *Ex-off. J. P.*,
Managers.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 11, 1872.

The above and foregoing is a true copy of the original consolidated return of the election held in Wayne County on the 5th day of November, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia in the 43d Congress of the United States.

Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT J J J.—*Consolidated return.*

STATE OF GEORGIA, *Camden County:*

We, the undersigned, a majority of the managers at the court-house, and one manager for each other voting-place, of an election held in Camden County on the 5th day of November, 1872, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors for President and Vice-President of the United States, do certify that we have this day met and consolidated the returns of the other voting-places with the court-house, and that the following is the result:

Names of candidates for Forty-third Congress.	Number of votes polled.
Morgan Rawls received	184
Andrew Sloan	414

Names of candidates for electors.	Number of votes polled.
Wm. T. Wofford received	174
Washington Poe	174
Henry L. Benning	174
Julian Hartridge	174
H. G. Turner	174

Robert N. Ely	174
W. I. Hudson	174
J. M. Pace	174
Henry R. Casey	174
J. N. Dorsey	174
E. D. Graham	174
M. S. Mershon	3
Parmedus Reynolds	1
Walter H. Weems	1
T. L. Guem	1
Jno. H. Woodward	1
Henry Parsons	1
Geo. H. McDonald	1
H. J. Bates	1
A. S. Atkinson	
Miles W. Lewis	
G. M. Netherland	

Names of candidates for electors.	Number of votes polled.
Amos T. Ackerman received	414
Benj. Conley	414
Amhurst W. Stone	414
Joel Johnson	414
W. B. Jones	414
W. W. Merrill	414
Joel R. Griffin	414
John F. Shine	414
C. D. Forsyth	414
George S. Fisher	414
C. A. Ellington	414

And we herewith inclose a list of voters and tally-sheet, and return for each voting place, with the managers' oath.

Witness our hands and seals this sixth November, 1872.

[L. S.] F. M. ADAMS, *under 2 protests*,
[L. S.] O. S. BEAN, *under one protest*,
[L. S.] J. M. ARNOW, *under 2 protests*,
[L. S.] JOSEPH SHEPHARD,
[L. S.] SAM. DAWSON,
[L. S.] N. L. MITCHELL,
Managers.
[L. S.] MONROE WILSON,
Cor. Managers.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 11, 1872.

The above and foregoing is a true copy of the original consolidated return of the election held in Camden County on the 5th day of November, 1872, for electors of President and Vice-President of the United States, and for a member of Congress to represent the first congressional district of Georgia in the 43d Congress of the United States.

Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT K K K.

(Copy.)

ATLANTA, GA., *Nov.* 22, 1872.

Hon. D. G. COTTING,
Secretary of State, Atlanta, Ga.:

SIR: I have this day filed with Governor Smith an objection to the counting of the vote polled at the court-house in Savannah; also an objection to the rejection of the precinct returns, (being thrown out,) and insist that they be counted. I also insist that you look at the precinct returns from Burke County and consolidate them properly. I am entitled to 80 majority there by the returns instead of 42. I have also asked Governor Smith to send after the returns from Bailey's precinct in Camden County, which he promises to do, and hold open the consolidation of the votes of the first district till they come in. I protest against your counting the city votes of Savannah, for the reasons given to his excellency. I also insist that you count the 1,239 votes of the Chatham County precincts. I protest against any consolidation of the returns from the 1st district, till the others can come in. There is a precinct in Burke County not sent forward, at which I received a majority of 76 votes. It should come in also. Do not consolidate until it comes in. The governor will not go into the investigation of frauds, as he informs me. Hence it is unnecessary to mention to you the frauds of Burke, Bullock, Scriven, and other counties.

I am, very respectfully, your obedient servant,

ANDREW SLOAN.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Nov. 12, 1872.

A true copy of the original protest received and on file in this office. Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT L L L.

(Copy.)

GEORGIA, *Chatham County:*

Before me, John A. Staley, a notary public in and for said county, personally appeared L. C. Rice, of said county, who being duly sworn, deposeth, that on the fifth day of the present month he acted as a manager of an election held on that day at Chapman's House precinct, in said county, for electors of President and Vice-President, and for a member of Congress; that before twelve o'clock noon of the following day he presented himself at the court-house in said county with the returns from Chapman's House precinct in his possession, and then and there offered and attempted to deliver the returns from said Chapman's House precinct to M. M. Belisario, Isaac M. Marsh, Sigismund Elsinger, Isaac Russell, J. McPherson Berrien, John B. Hamlet, C. C. Casey, M. J. Quinan, L. A. Fallegant, J. G. Watts, Levi S. Hart, Charles O. Lamotte, and B. F. Sheftall, who severally claimed and assumed to be and to have been managers of the election held at said court-house, the said fifth (5)

instant, for electors of President and Vice-President, and for a member of Congress; that he, the said L. C. Rice, requested the above-named persons, calling themselves managers of the said election at the said county site as aforesaid, to consolidate the returns for said Chapman's House precinct with the returns from other precincts from said county, and that they, the said pretended managers at the county site, utterly and entirely refused and failed to comply with said request for consolidation of said returns from said Chapman's House precinct with the returns from the other precincts of said county.

That the said pretended managers were thirteen in number, when under the provisions of the law there can be but three.

L. C. RICE, *Freeholder.*

Sworn to this 21st day of November, 1872.

[L. S.] JNO. A. STALEY, *Notary Public.*

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 14, 1872.

The above and foregoing page contains a true copy of the original affidavit of L. D. Rice, on file in this office. Witness my hand and official seal.

[SEAL.] DAVID G. COTTING,
Secretary of State.

(Copy.)

STATE OF GEORGIA, *Chatham County:*

Before me, John A. Staley, a notary public in and for said county, personally appeared King S. Thomas, of said county, who being duly sworn, deposeth that on the fifth day of the present month he acted as a manager of an election held on that day at the Isle of Hope precinct, in said county, for electors of President and Vice-President, and for a member of Congress; that before twelve o'clock noon of the following day he presented himself at the court-house in said county with the returns from said Isle of Hope precinct in his possession, and then and there offered and attempted to deliver the returns from said Isle of Hope precinct to M. M. Belisario, Isaac M. Marsh, Sigismund, Elsinger, Isaac Russell, J. McPherson Berrien, John R. Hamlet, C. C. Casey, M. J. Quinan, L. A. Fallegant, J. G. Watts, Levi S. Hart, Charles D. Lamotte, and B. F. Sheftall, who severally claimed and assumed to be and to have been managers of the election held at said court-house on the said fifth instant, for electors of President and Vice-President, and for a member of Congress; and that he, the said King S. Thomas, requested the above-named persons, calling themselves managers of the election at the county site as aforesaid, to consolidate the returns from said Isle of Hope precinct with the returns from other precincts in said county, and that they, the said pretended managers at the county site, utterly and entirely refused and failed to comply with said request for consolidation of said returns from said Isle of Hope precinct with the returns from the other precincts of said county.

That the said pretended managers were thirteen in number, when under the provisions of the law there could be but three.

KING S. THOMAS, *J. P.*

Sworn to before me this 21st day of November, 1872.
[L. S.] JOHN A. STALEY,
Notary Public, Chatham County, Georgia.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 13, 1872.

The above and the foregoing page contains a true copy of the original affidavit of King S. Thomas, on file in this office. Witness my hand and official seal.
[SEAL.] DAVID G. COTTING,
Secretary of State.

(Copy.)

STATE OF GEORGIA, *Chatham County:*

Before me, John A. Staley, a notary public in and for said county, personally appeared Isaac Seely, of said county, who having been duly sworn, deposeth that on the fifth day of the present month he acted as a manager of an election held on that day at Cherokee Hill precinct, in said county, for electors of President and Vice-President, and for a member of Congress; that before twelve o'clock noon of the following day he presented himself at the court-house in said county with the returns from said Cherokee Hill precinct in his possession, and then and there offered and attempted to deliver the returns from said Cherokee Hill precinct to M. M. Belisario, Isaac M. Marsh, Sigismund Elsinger, Isaac Russell, J. McPherson Berrier, John R. Hamlet, C. C. Casey, M. J. Quinuan, L. A. Fallegant, J. G. Watts, Louis S. Hart, Charles O. Lamotte, and B. F. Sheftall, who severally claimed and assumed to be and to have been managers of the election held at said court-house on the said fifth instant for electors of President and Vice-President, and for a member of Congress; and that he, the said Isaac Seely, requested the above-named persons, calling themselves managers of the elections at the county site as aforesaid, to consolidate the returns from said Cherokee Hill precinct with the returns from other precincts in said county, and that they, the said pretended managers at the county site, utterly and entirely refused and failed to comply with said request for consolidation of said returns from said Cherokee Hill precinct with the returns from the other precincts of the county; that the said pretended managers were thirteen in number, when under the provisions of law there could be but three sworn.
[L. S.] ISAAC SEELY, *Freeholder.*

Sworn to before me, 21st day of November, 1872.
JOHN A. STALEY,
Notary Public, Chatham County, Georgia.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., December 13, 1872.

The above and the foregoing page contains a true copy of the original affidavit of Isaac Seely on file in this office. Witness my hand and official seal.
[SEAL.] DAVID G. COTTING,
Secretary of State.

EXHIBIT M M M.

STATE OF GEORGIA, *Chatham County:*

Consolidated return of votes polled in Chatham County, State of Georgia, at an election held in said county, on Tuesday, the 5th day of November, A. D. 1872, for presidential electors for the State of Georgia, and for a member of Congress to represent the first congressional district of Georgia in the Forty-third Congress of the United States.

The following was the vote polled:

	Isle of Hope precinct, 5th and 6th district, G. M.	Chapman's House precinct, seventh district, G. M.	Cherokee Hill precinct, eighth district, G. M.	Total vote.
PRESIDENTIAL ELECTORS.				
Amos T. Akerman	253	600	386	1,239
Benjamin Conley	253	600	386	1,239
Amherst W. Stone	253	600	386	1,239
Joel Johnson	253	600	386	1,239
W. B. Jones	253	600	386	1,239
W. W. Merrill	253	600	386	1,239
Joe IR. Griffin	253	600	386	1,239
John F. Shine	253	600	386	1,239
C. D. Forsyth	253	600	386	1,229
Geo. S. Fisher	253	600	386	1,239
C. A. Ellington	253	600	486	1,239
W. T. Wofford	.....	2	.....	2
Washington Poe	.....	2	.....	2
H. L. Benning	.....	2	.....	2
Julian Hartridge	.....	2	.....	2
H. G. Turner	.....	2	.....	2
R. N. Ely	.....	2	.....	2
W. I. Hudson	.....	2	.....	2
J. M. Pace	.....	2	.....	2
H. R. Casey	.....	2	.....	2
J. N. Dorsey	.....	2	.....	2
E. D. Graham	.....	2	.....	2
MEMBER OF CONGRESS.				
Andrew Sloan	253	600	386	1,239
Morgan Rawls	.....	2	.....	2

GEORGIA, *Chatham County:*

We, the undersigned, justices of the peace and freeholders, presiding at the election held November the 5th, 1872, at the precincts of Isle of Hope, for the fifth and sixth districts G. M., Chapman's House, seventh district G. M., and Cherokee Hill, the eighth district G. M., in the county of Chatham, State of Georgia, do hereby certify that within the time prescribed by law, to wit, on the sixth day of November, A. D. 1872, prior to twelve o'clock noon, we presented at the court-house of the county of Chatham, State of Georgia, the returns, tally-sheets, list of voters, and the ballots cast, all properly certified to and sealed as required by law, of the several precincts at which we presided; that the above consolidated return is a correct return of the consolidation of the said precincts returns of the result of the election held November 5th, A. D. 1872, in the said several election precincts of Chatham County; and we further certify that the election held at these said several pre-

cincts were consolidated in accordance to law as regards the ti
opening and closing of the polls, and in all other respects.

KING J. THOMAS,
LEWIS J. MOODY,
Justices of the Pe
GNO. A. STALEY,
LEPINE C. RICE,
Freehold
ISAAC SEELY,
LEWIS BENNETT,
JAMES PORTER,
AVERY SMITH,
Freehold

STATE OF GEORGIA, OFFICE SECRETARY OF STATE,
Atlanta, December 13, 18

The above written matter is a true and correct copy of the origi
file in this office.

Given under my hand and seal of office.

[SEAL.] DAVID G. COTTING,
Secretary of St

EXHIBIT N N N.

SECRETARY OF STATE'S OFFICE,
Atlanta, Ga., Jan'y 9, 1

The following is an abstract of the votes cast at the election he
the 5th day of November, 1872, in the first congressional distri
Georgia, for a member of the 43d Congress, and returned to this
up to that date, as appears from the returns from the several cou
comprising said district, and which are on file in this office; and
ther, that only two persons were voted for, to wit: Morgan Rawls
Andrew Sloan.

Counties.	Sloan.	R
Appling	9	
Bryan	272	
Burke	1,093	
Manager's error in counting against Sloan, in addition	38	
Bulloch	None.	
Charleton	147	
Camden	414	
Camden, Bailey's precinct	94	
Chatham City	2,428	
Chatham country precincts, rejected by managers	1,237	
Clench	28	
Echols	75	
Effingham	157	
Emanuel	70	
Glynn	566	
Liberty	603	
McIntosh	544	
Peirce	147	
Screven	205	
Tatnall	46	
Ware	116	
Wayne	59	

Witness my hand and seal of office.

[SEAL.] DAVID G. COTTING,
Secretary of St

EXHIBIT P P P.

UNITED STATES OF AMERICA,
State of Georgia, ss:

To Isaac M. Marsh, M. T. Quinan, James G. Watts, Sigismund Elsinger, Charles O. Lamotte, Isaac Russell, C. C. Casey, John R. Hamlet, Levi S. Hart, B. F. Sheftall, King S. Thomas, John A. Staley, L. C. Rice, Isaac Seely, Lewis Bennett, James Porter, Avery Smith, A. W. Stone, S. D. Dickson, J. McPherson Berrien, M. H. Meyer, Louis A. Falligant, Francis Blair, W. J. Clements, John O. Ferrell, F. P. Miller, George G. Wilson, Hamp Davis, John W. Wilson, Homer Blitch, John G. Blitch, Moses Sinquefield, John G. Clark, Henry Beiber, Lewis J. Moody:

You, and each of you, are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before subscriber, John J. Newton, a notary public in and for the county Chatham, State of Georgia, residing in the first congressional district of Georgia, at the law-office of Andrew Sloan, corner of Drayton & Bryan streets, city of Savannah, county of Chatham, on the 3rd day of February, 1873, at 8 o'clock in the forenoon of said day, then and there to testify your knowledge in the contested election for the first congressional district of Georgia, now pending, wherein Andrew Sloan is con'tant, and Morgan Rawls contestee, on the part of the contestant. And this you are in nowise to omit, under the penalty of $20 and imprisonment.

Witness the said notary, who hath hereunto set his hand and seal, the 28th day of January, A. D. 1873.

[SEAL.] JOHN J. NEWTON,
Notary Public.

EXHIBIT Q Q Q.

UNITED STATES OF AMERICA,
State of Georgia, ss:

To Andy Holloway, Monday Smith, George Lanier, C. A. Sorrier, M. A. Brimson, Mrs. T. H. Griffin, B. J. Sims, M. M. Riggs, H. A. Riggs, W. W. Hendricks, James Hendricks, Frank Oliff, Hiram Franklin, John G. Jones, John Anderson, N. B. Rushing, Cuyler Nevels, R. F. Sanders, D. C. Proctor, J. C. DeLoach, John Green, M. J. Green, and David Beasley, s'r.:

You, and each of you, are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before the subscriber, John J. Newton, a notary public in and for the county of Chatham, State of Georgia, residing in the first congressional district of Georgia, at the court-house in the town of Statesborough, county of Bullock, on the 14th day of February, 1873, at 8 o'clock in the forenoon of said day, then and there to testify your knowledge in the contested election for the first congressional district of Georgia, now pending, wherein Andrew Sloan is contestant, and Morgan Rawls contestee, on the part of the contestant. And this you are in no wise to omit, under the penalty of $20 and imprisonment.

Witness the said notary, who hath hereunto set his hand and s
the 28th day of January, A. D. 1873.

[SEAL.] JOHN J. NEWTON,
Notary Publi

EXHIBIT R R R.

UNITED STATES OF AMERICA,
State of Georgia, ss :

To John Warren, John Mack, Edward Harper, Alfred Wilhelm, Ri
ard Wimberly, Stephen A. Corker, J. D. Ashton, Simeon Garlick
F. Lawson, S. Young, J. W. Carswell, W'm Warnock, J. H. P
kins, C. F. Belt, R. H. Burton, J. D. Cook, D. R. Sanler, P. Sapp,
Chandley, W. J. Wimberly, J. R. Thomas, J. W. Grubbs, R. B. H
W. F. McClenahan, R. Ripley, S. J. Heath, W. Mobley, G. W. Reev
J. H. Perry, W. E. Lassiter, J. D. Munnerlyn, J. H. Blount, F.
Godbee, W. W. Walton, M. N. Eve, G. C. Palmer, S. S. Godbee,
Bullard, R. Same, S. K. Mills, & W. W. Sturgis :

You, and each of you, are hereby required and commanded that, l
ing aside all business and excuses whatsoever, you be and appear
fore the subscriber, John J. Newton, a notary public, in and for t
county of Chatham, State of Georgia, residing in the first congressio
district of Georgia, at the court-house in the town of Waynesboro
county of Burke, on the 21st day of February, 1873, at 8 o'clock in
forenoon of said day, then and there to testify your knowledge in
contested election for the first congressional district of Georgia, n
pending, wherein Andrew Sloan is contestant, and Morgan Rawls c
testee, on the part of the contestant ; and this you are in nowise to o
under the penalty of $20 and imprisonment.

Witness the said notary, who hath hereunto set his hand and s
the 1st day of February, A. D. 1873.

[SEAL.] JNO. J. NEWTON,
Notary Publi

EXHIBIT S S S.

UNITED STATES OF AMERICA,
State of Georgia, ss :

To Wilson Brigham, E. Ellison, Moses Ward, J. A. Clark, Rob
Marsh, George Jones, John Ellison, Harry Smith, Abram Mobl
Isaa Boy, Berry Brigham, Zed Sapp, Jeffry Hilton, Johnson Wor
William Yeardly, Smith Mobley, Willis Williams, Jefferson Ar
Sandy Shewmake, James Rowers, Isaac Clark, Isaac Griffin, Ha
Royals, Henry Chandler, Richard Kelly, Price Ellison, Henry Br
ham, Alfred Griffin, Patrick Harper, Canon Harnton, Cyrus Spersce
Joseph Clark, William Dixon, Moses Harsh, Edmund Tuller, Jos
Wain, David Griffin, Arter Royals, March Lovit, Samuel Lewis, Da
Godbee, Edward Clark, Ruler Lawrence, Allen Burke, Benjamin Oli
John Brigham, Alec. Rowers, W'm Sanda, Kinney Anson, Sump
Blocker, Moses Young, Moses Oliver, Alec. Lawrence, Edmund M
Alfred Bath, James Ellison, P. Reyer, Hardy Griffin, William You

George Nethsmith, James Brigham, William Verdery, Elbert Butler, James Dixon, Cage Griffin, Asa Clark, & Edmund Harper:

You, and each of you, are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before Isaac Beckett, register in bankruptcy, residing in the first congressional district of Georgia, at station number one, Augusta and Savannah Railroad, in the county of Burke, on the 21st day of February, 1873, at 8 o'clock in the forenoon of said day, then and there to testify your knowledge in the contested election for the first congressional district of Georgia, now pending, wherein Andrew Sloan is contestant, and Morgan Rawls contestee, on the part of the contestant; and this you are in no wise to omit, under the penalty of $20 and imprisonment.

Witness the said notary, who hath hereunto set his hand and seal, the 1st day of February, A. D. 1873.

[SEAL.] JNO. J. NEWTON,
Notary Public.

(Copy.)

EXHIBIT.—*Agreement between Andrew Sloan, contestant, and Morgan Rawls, contestee, Savannah, January* 25, 1873.

In the matter of the contested election for a member of Congresss from the first congressional district of Georgia, in the House of Representatives of the Congress of the United States, for the Forty-third Congress.

It is agreed by and between said contestant and said contestee that John J. Newton, a notary public in and for the county of Chatham, in said first congressional district, shall be the officer before whom the entire testimony of contestant in this contest may be taken. And that the said John J. Newton may take contestant's testimony anywhere in said district, and in any county thereof in which said contestant may desire to take said testimony. The said contestee, Morgan Rawls, may, if he chooses, select any qualified officer under the law, to sit and act with said John J. Newton in taking said testimony, and when the said contestee begins to take his testimony he may select any person qualified under the law to act, and the contestant Andrew Sloan can select any qualified person to act and sit in conjunction with said officer in taking said contestee's testimony. Contestee also waives the service of the list of contestant's witnesses in Chatham County, and the time and place of taking testimony in said county, and consents that contestant may serve the same on Messrs. Smith & Beeks, contestee's attorneys, on Monday the 27th of January, 1873, and that contestant may commence the taking of his testimony in Chatham County, on Monday, the third day of February, 1873, at the office of said contestant.

(Signed) MORGAN RAWLS,
Contestee.

(Signed) ANDREW SLOAN,
Contestant.

Introduced in evidence before

[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Ga.

Abstract of Exhibits.

A. Notice and grounds of contest.
B. Notice to take depositions in Savannah.
C. Agreement between contestee and contestant.
D. Certified copy of the return of Bailey's precinct of Camden County, by the clerk of the superior court of Camden County.
E. Certified copy of Exhibit D, by the secretary of state.
F. Copy of the return of the Isle of Hope precinct of Chatham County.
G. Copy of list of voters of the Isle of Hope precinct of Chatham County.
H. Copy of tally-sheet of the Isle of Hope precinct of Chatham County.
I. Copy of consolidated return of the country precincts of Chatham County.
K, L and M. Copies of return; list of voters and tally-sheets of Chapman's House precinct of Chatham County.
N, O and P. Copies of return list of voters and tally-sheets of Cherokee-Hill precinct of Chatham County.
Q. Certified copy of the ordinary of Chatham County, establishing precincts in Chatham County.
R and S. Certified copy of appointment of supervisor for the country precincts of Chatham, from the judge of the circuit court of the United States.
T. Notice to take depositions in Bulloch County.
U. Notice to take depositions in Burke.
V. Certified copy of certificates from the clerk of the superior court of Burke County, and Jno. H. Perkins, in regard to the election held in the sixty-first militia district of Burke County.
W. (For contestee.) Examined copy of the consolidated return of Burke County.
X. Republican ticket voted at Waynesborough.
Y. Notice to take depositions in Chatham County.
Z. Republican tickets in the hands of the voters at Mar's court ground, in Scriven County.
A A. Certified copy of the return of election of the city vote of Savannah.
B B. Certified copy of poll-lists at box No. 1, city of Savannah.
C C, D D, and E E. Certified copies of poll lists of boxes No's 2, 3, and 4, city of Savannah.
F F. Certified copy of consolidated return of Burke County.
G G. Certified copy of precinct returns of Liberty Hill, the sixty-eighth militia district of Burke County.
H H. Certified copy of precinct returns of the seventieth militia district of Burke County.
J J. Certified copy of precinct returns of the seventy-second militia district of Burke County.
K K, L L, M M, N N, O O, P P, and Q Q. Certified copies of precinct returns of the sixty-fourth militia district, Gordon's precinct; sixty-fifth militia district, Waynesborough precinct; seventy-first militia district and Bark-Camp Cross-Road precinct of Burke County.
R R. Copy of notice served on Jno. D. Munnerlyn, clerk of the superior court of Burke County, Georgia, notifying him to preserve the ballots and other papers pertaining to the election held on the 5th day of November, 1872.

S S. Certified copy of consolidated return of Appling County.
T T. Certified copy of consolidated return of Charlton County.
U U. Certified copy of consolidated return of Ware County.
V V. Certified copy of consolidated return of Bryan County.
W W. Certified copy of consolidated return of Bulloch County.
X X. Certified copy of consolidated return of Clinch County.
Y Y. Certified copy of consolidated return of Echols County.
Z Z. Certified copy of consolidated return of Effingham County.
A A A. Certified copy of consolidated return of Emanuel County.
B B B. Certified copy of consolidated return of Glynn County.
C C C. Certified copy of consolidated return of Liberty County.
D D D. Certified copy of consolidated return of McIntosh County.
E E E. Certified copy of consolidated return of Pearce County.
F F F. Certified copy of consolidated return of Scriven County.
G G G. Certified copy of consolidated return of Tattnall County.
H H H. Certified copy of consolidated return of Wayne County.
J J J. Certified copy of consolidated return of Camden County.
K K K. Certified copy of protest served on secretary of state, on 22d November, 1872.
L L L. Certified copy of the oaths of the managers of the country precincts in Chatham County.
M M M. Certified copy of consolidated return of the three country precincts of Chatham County, known as Chapman's House, Isle of Hope, and Cherokee Hill.
N N N. Certified copy of the vote of the counties composing the first congressional district of Georgia, showing the vote as returned to the secretary of state's office, up to the 9th of January, 1873, for member of Congress, &c.
O O O. Diagram of the lower floor of the court house in the city of Savannah.
P P P, Q Q Q, R R R, and S S S. Copies of subpœnas served on witnesses.

GEORGIA, *Chatham County:*

I, John J. Newton, notary public in and for the county of Chatham. and commissioner to take the testimony on the part of Andrew Sloan, contestant in case of Andrew Sloan vs. Morgan Rawls, hereby certify that the exhibit attached to the direct testimony of Andrew Sloan, of which the within is an abstract, and the exhibits attached to Sloan's rebutting testimony, are the original and true exhibits as introduced upon the examinations.

Savannah, Georgia, April 28th, 1873.

[SEAL.] JOHN J. NEWTON,
Notary Public.

Testimony taken for Morgan Rawls, returned member of the Forty-third Congress from the first congressional district of Georgia, in an election held on the 5th day of November, 1872.

IN THE CASE OF ANDREW SLOAN
vs.
MORGAN RAWLS. } Contest.

SAVANNAH, GEORGIA, *March* 12, 1873.

Pursuant to the answer to contestant's notice and grounds of contest, Andrew Sloan being the contestant and Morgan Rawls the returned

member, in an election held on the 5th day of November, A. D. 1872, for a member of the Forty-third Congress, in the first congressional district of Georgia, the said answer by Morgan Rawls, returned member as aforesaid, is hereunto annexed, as marked Exhibit A, and in pursuance to the notice hereunto annexed, as Exhibit marked B, of the time and place of taking depositions and names of witnesses and supplement thereto, hereunto annexed as Exhibit marked C. In the above-stated case the following persons being present: Morgan Rawls, returned member; Walter C. Beeks, attorney for contestee; James Atkins, attorney for contestant; Philip M. Russell, jr., notary public Chatham County; John J. Newton.

Contestee offers in evidence answer to the notice and grounds of contest, marked Exhibit A, heretofore.

Contestee offers in evidence notice to take depositions in Chatham County on the 12th, 13th, and 14th days of March, 1873, marked heretofore Exhibit B; also, Exhibit C, heretofore mentioned, being a supplement to notice to take depositions in Chatham County, Georgia, on 12th, 13th, and 14th March, 1873.

Contestee also offers in evidence a certified copy of an order from executive department of Georgia to issue a proclamation of the names of the members elect to the Forty-third Congress from Georgia, marked Exhibit D; also, a certified copy of proclamation from the secretary of state's office, declaring the members elected to the Forty-third Congress, marked Exhibit E; also a certified copy of the certificate or commission of the governor to Morgan Rawls as a member of the Forty-third Congress in the House of Representatives of the United States, marked F.

Contestee also offers certified copy of an order from the ordinary of Chatham County upon election precincts in Chatham County, Georgia, and making the city of Savannah an election precinct for Chatham County, marked as Exhibit G.

Counsel for contestant objects to Exhibit G because of irrelevancy, there being no allegation in answer of contestee under which the same can be introduced, and because the order of the ordinary of Chatham County contained in said Exhibit G was illegal at the time the same was issued, said ordinary having no legal authority to issue such an order.

Also, contestee offers a certified order of the ordinary of Chatham County establishing ballot-boxes at the court-house in Savannah, Georgia, requesting the voters residing outside of the city limits to vote at the box on York street entrance, marked as Exhibit H.

Counsel for contestant objects to the evidence on the ground that the notice pretended to be given by the ordinary of Chatham County as contained in said Exhibit H is not authorized by law, and therefore irrelevant.

[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

HENRY S. WETMORE, a witness for the contestee, sworn, and says:

Question. What official position did you hold on the 5th of November, 1872, and how long had you held that position?—Answer. I was then ordinary of Chatham County, and had been for more than four years previous to date mentioned.

Question. What legal precincts did you recognize as places of voting

on the 5th day of November, 1872, when a member of the Forty-third Congress was voted for in Chatham County?

(Counsel for contestant objects to the question on the ground that the recognition of witness in the premises has nothing to do with the issue in the case.)

Answer. My opinion is, and was at date referred to, that there were no legal election precincts in Chatham County at election referred to; that the only legal polling-place was at the court-house in Chatham County.

Question. Was it by your order, or advice, or consent, that four ballot-boxes were used at the election held on the 5th of November, 1872, at the court-house in Chatham County, Georgia?

(Counsel for contestant objects to the question on the ground that there is no law authorizing witness to make any order; to give any advice or consent about the matter contained in question.)

Answer. Through the Savannah papers I gave public notice that the election in question would be held at the court-house, and that four boxes would be opened for the accommodation of voters.

Question. Were you appealed to or requested, on or before the 5th day of November, 1872, to establish election precincts outside the limits of the city of Savannah, in Chatham County; and, if so, by whom, and to what political party did those appealing or requesting belong?

(Counsel for contestant objects to the question on the ground that it is not in rebuttal nor in support of any allegation contained in contestee's allegations.)

Answer. The day preceding the election in question I was asked by Mr. J. E. Bryant, whom I understood to be a committee for this purpose, to establish the same election precincts in Chatham County as were established for the presidential election of 1868. Hearsay makes Mr. I. E. Bryant a republican.

Question. When you speak of the precincts established for the presidential election in 1868, in Chatham County, do you mean that they were only established for that election?

(Counsel for contestant makes same objection as to the previous question.)

Answer. As ordinary of Chatham County I inherited the powers of the old inferior court, which, among other things, have the authority to establish or abolish election precincts, conformably to the code of Georgia, in certain forms. Pursuant to this authority, and in accordance with the law, I established several election precincts in Chatham County for the election to be held for President in 1868. It was my intention, when I established these precincts, to have them in force only for the election referred to.

(Counsel for contestant objects to the evidence of the witness to the effect that he established precincts, there being high evidence of that fact.)

Question. To what political party did you belong when you were elected ordinary of Chatham County, and to what political party do you now belong?

(Counsel for contestant makes same objection.)

Answer. When elected ordinary of Chatham County I was a republican in good standing with my party. I now make up my own slate, suiting myself in voting, and vote no straight ticket.

Cross-examination:

(Counsel for contestant, without waiving objections already made, asks the following questions:)

Cross-question. Please state upon what your opinion is based that there were no legal precincts in Chatham County except at the court-house?—Answer. On this—that no legal precincts had been established lawfully during my term of office as ordinary, except those established by me in 1868, and that it is my mind the precincts referred to being established for the uses of a certain election day, specified by date, in my order establishing them, expired at the close of the day referred to, namely, the presidential election day of 1868.

Cross-question. Please state the date of the order to which you refer in your answer just given.—Answer. Order referred to was made October 22, 1868.

Cross-question. Please give the language of that order.—Answer. Order is as follows: "It being necessary that election precincts should be established in the county to facilitate the election to be held on the 3d day of November next, it is therefore ordered that election precincts be, and they are hereby, established at Cherokee Hill, in the eighth militia district, embracing the whole of said district; at Chapman's House, in the seventh militia district, embracing the whole of said district; and at the Isle of Hope, embracing the whole of the fifth and sixth militia districts."

Cross-question. Will you cite the law giving you authority, as ordinary, to pass the order you have already quoted?—Answer. Being ordinary of Chatham County, I inherited the duties of the old inferior court of said county by a constitutional provision, being the 7th section of the constitution of Georgia, said section being, in part, worded as follows: "The books, papers, and proceedings of the inferior courts shall be transferred to, and remain in the control of the ordinaries, who shall perform the duties of said courts until otherwise provided by law." Section 1312, Irwin's Revised Code of Georgia, conferred the following authority on the inferior courts, namely, "the establishment of election precincts in their several counties," a portion of said section reading as follows: "Said precincts must not exceed one in each militia district; such precincts are established, changed, or abolished by the justices of the inferior court, at a regular term of the court, descriptions of which must be entered on their minutes at the time."

Cross-question. Please state whether you had, as ordinary of Chatham County, any other authority or power to establish, change, or abolish precincts than that which you have just quoted from the constitution and code of Georgia?—Answer. None that I know of.

Cross-question. Please state whether, at any regular term of your court held between the date of your order above quoted and the 5th day of November, 1872, you passed any order or orders abolishing the precincts established by you as ordinary of Chatham County, in the order which you have quoted above, entering the descriptions of such precincts on the minutes of your court, at the time of abolishing the same.—Answer. No.

Cross-question. Please state upon what authority—constitutional or legal—you gave public notice that the election held on the 5th day of November, 1872, would be held at the court-house, and that four boxes would be opened for the accommodation of voters?—Answer. I can refer to no law; can only state that my action conformed to the custom which had obtained at previous elections held during and before my term of office.

Cross-question. State the name of officials, giving such notices prior to your term of office, the dates of such notices, and the date of elections

to which said notices respectively referred, going to show that the custom which you mentioned had obtained prior to your term of office.

(Contestee objects to the question because the records of the inferior court would be the best evidence of any orders, as precedents, establishing this custom.)

Answer. I cannot answer this question in detail, as I am only speaking from my impressions and recollections.

It is agreed by counsel, both for contestant and contestee, contestee being present and concurring, that the cross-examination was here interrupted by the refusal of witness longer to remain and give evidence, withdrawing from the court against the protest of counsel for contestant, and in defiance of the authority of the court, saying substantially: "It is now my dinner hour and my business demands my attention; if you want me, you will have to send after me; my time is valuable; it is a matter of bread and butter with me."

Contestee here offers in evidence a written opinion of certain lawyers as to the legality or illegality of the election precincts in Chatham County, and as to the purpose of using four ballot-boxes at the court-house, marked Exhibit I.

Counsel for contestant objects, because there is no evidence contained in the paper now presented, that it contains the legal opinion of the persons who are claimed to be lawyers, and whose names purport to be signed to said pretended legal opinion; that contestant is entitled to cross-examine the parties referred to upon their oaths in reference to any legal opinion that they may have, and to their right and ability to give a legal opinion; and because said paper is not sworn to.

CHARLES H. BAKER sworn and says:

Question. Did you hold a conversation with Morgan Rawls, contestee, on the first of November, 1872, on the cars of the Atlantic and Gulf Railroad with reference to the election to be held on the 5th of November, 1872, at Way's Station, in Bryan County; if so, what was that conversation?

Answer. I had a conversation with Morgan Rawls on the cars; cannot say the exact date; suppose it was on the day referred to. The conversation was in reference to holding the polls at Way's Station; about the previous election that was held at that place, and about the riot that occurred at that time. I told Morgan Rawls that I would not act as a manager of election at that precinct again, as I did not think it would be safe, on account of the negroes being so riotous. I told him that my life was in danger. Morgan Rawls asked me if an election would be held there, and who would manage it.

Question. Did Morgan Rawls say in that conversation that unless that and other republican precincts were abolished, that his election would be doubtful?—Answer. He did not.

Question. Was there an election held at Way's Station, Bryan County, Georgia, above referred to, on the 5th November, 1872, for a presidential elector and a member of 43d Congress?—Answer. There was.

Question. Was the return of this precinct consolidated with the returns of the other precincts of Bryan County? (Counsel for contestant

objects to this question on the ground that the consolidated returns themselves are better evidence as to the fact.)—Answer. They were consolidated.

Question. Was not this conversation, above referred to, directed only to you?—Answer. Yes.

Question. Was said conversation in an ordinary tone of voice?—Answer. Yes, sir.

Question. Do you know of any persons going to said precinct at said election, on 5th November, 1872, for member of Congress and presidential electors, who did not vote, and to what political party these persons belonged and for whom would they have voted had they voted for a member of Congress? (Counsel for contestant objects to the question on the ground that it is not in rebuttal of anything brought out by contestant; nor does it go to sustain any allegation in contestee's answer, and because witness could not possibly know the facts asked for in last clause of the question.)—Answer. I do not know of any who did not vote, and if there were any I do not know how they would have voted.

Question. Did Morgan Rawls say anything in said conversation that led you to believe that it was his desire to have any election precincts abolished, or that precinct, for the purpose of preventing members of the republican party from voting?—Answer. No.

Cross-examination:

Cross question. What makes you suppose that the conversation alluded to with Morgan Rawls was on the 1st of November, 1872?—Answer. Because I think it was about that day as I came to Savannah with him on the train; it being the only time that I had traveled on the trains in company with Morgan Rawls.

Cross-question. Might the conversation not have taken place on the 3d of November, 1872?—Answer. I think not. I never traveled with him but once. I believe it was on the first.

Cross-question. Did you travel the same distance on the road that Morgan Rawls did; if not, which traveled the farthest?—Answer. I did not travel same distance; Morgan Rawls traveled the farthest.

Redirect:

Question. Did you not ride the entire way from Way's Station where you got on the train to Savannah, Georgia, with Morgan Rawls, and was not he in your company during all of said time?—Answer. I did ride all the way with him from Way's Station to Savannah, and he was in my company all the time.

CHARLES H. BAKER.

Sworn to and subscribed before me this 12th day of March, 1873.

[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

HENRY S. WETMORE resumed on cross-examination:

Cross-question. Does it not require an order of the court of ordinary to abolish a precinct once established by an order of the same?—Answer. If precincts are established without any limitation as to their use, I would say an order would have to be made to abolish them.

Cross-question. Would you state what words, if any, in the order 22d October, 1868, constitute the limitation that would abolish the precinct

in question, without an order?—Answer. It is my opinion and it was my intention that the following words, "Being necessary that election precincts should be established in the county to facilitate the elections to be held on the 3d day of November next," being the first part of the order of October 22d, 1868, should limit the establishment of election precincts in Chatham County for the day recited in the order only.

Cross-question. Does the order itself state that the precinct shall exist for that day only?—Answer. That is a matter of interpretation of meaning. I think that the abolishment is a fair inference, at least from the context of the order, and so treated it for four years; and to the best of my knowledge and belief, it was so treated for four years.

Cross-question. What necessity, if any, existed at the time of the passage of the order for the establishment of precincts in the country, that did not exist at subsequent elections, of a similar character?—Answer. In 1868 it seemed to me at least proper to try the experiment of new polling places, then not existing in the county; the managers at some of these polling places reported violence and intimidation shown to them, and regarding these precincts established only for the presidential election of 1868. I afterwards concluded it better to have the elections held only at the court-house under the eye of the sheriff and his deputies, so that, if possible, peace and good order could be preserved.

Cross-question. For whom did you vote at the last presidential and congressional election?—Answer. I decline to state for whom I voted or whether I voted or not.

Cross-question. State whether you were or not a democrat, taken into their councils and confided in by them for twelve months prior to the last presidential election.—Answer. I never attended a democratic caucus in my life. I am not a democrat, nor have I ever been one. I do not think I am so regarded by the democratic party in Savannah. I would add that I believe that I am not considered a republican by the republicans in Savannah.

Cross-question. Will you state whether you have any politics of your own?—(Contestee objects to the foregoing questions as irrelevant.) Answer. I sympathize very heartily with the liberal republican movement; wished it success last time; hoped it would have success next time.

Cross-question. Who were the leaders of the liberal republican movement during the late campaign in Savannah?—Answer. I do not think there was any organization of the kind in Savannah. (Contestee objects to the question as irrelevant, having no bearing upon this contest.)

Cross-question. Who were the candidates of the liberal republican party for President and Vice-President at the last election?—Answer. The late Horace Greeley and B. Gratz Brown.

Cross-question. Please cite the law authorizing you, as ordinary of Chatham County, to give notice that you would establish four polling places at the court-house, as you say you did at the election on the 5th day of November, 1872.—Answer. I can cite no law defining how many ballot-boxes may be opened at the court-house. For convenience of voters I provided four boxes, and made arrangements for properly constituted managers of elections, properly qualified to superintend these boxes.

Cross-question. Please state the law which authorized you to so interfere with the elections held at the court-house.—Answer. I do not think I interfered with the election at the court-house.

Cross-question. Who authorized you to do anything about the boxes or managers held at the election in question?—Answer. The general

spirit of the laws of Georgia I regarded as sufficient authority for my action in the premises.

Cross-question. Please state what statutes contain that spirit.—Answer. I know that there is a statute of Georgia in force requiring the justices of the inferior court to notify magistrates to be present when elections are to be held. The ballot-boxes are county property, and as such are in the custody and control of the ordinary; provisions for stationery, clerks to keep tally-sheets, and pay have to be made according to law by the ordinary; hence the reason for a supervision of details connected with an election prior to the day thereof.

Cross-question. Please point out the law to which you refer in your last question.—Answer. I will endeavor to answer this question later, after consulting the authority; cannot do so at this sitting.

HENRY S. WETMORE.

Sworn to and subscribed before me this the 12th day of November, A. D., 1872.

[SEAL.] PHILIP M. RUSSELL, JR.
Notary Public, Chatham County, Georgia.

ISAAC RUSSELL sworn, and says:

Question. Were you a manager of the election held for governor and, members of the legislature, in October, 1872, in Chatham County, Georgia?—Answer. I was.

Question. Where was the election held?—Answer. At the court-house in Savannah, Chatham County, Georgia.

Question. Was there an election held for governor and members of the legislature, at the time of said election, at any other place except at the court-house in Chatham County, Georgia?—Answer. I know of no other place.

Question. Has not the court-house, from the time of the presidential election held in 1868 up to the time of the last presidential election, been regarded as the only legal election precinct for Chatham County; and has there, within the time stated, been any election held at any other place save at the court-house for governor and members of the legislature?—Answer. Since the election held under passage of the order which established a precinct in the county by Ordinary Wetmore, I know of no other legal precinct outside of the city of Savannah. Not to my knowledge has any election been held since at any other place except at the court-house. At the election for member of Congress, in 1870, and members of the legislature, there was another voting place in city of Savannah, outside of the court-house. It was a question of doubt as to the legality of the voting place outside of the court-house.

Question. What do you know about the rejection of five hundred votes at the election for governor and members of the legislature, held at the court-house in October, 1872, in Chatham County, Georgia, whose taxes one A. W. Wilson claimed to have paid?—Answer. I cannot state any definite number, but there was a large number who appeared and offered to vote, producing receipts signed by individuals who were not authorized, in the judgment of the managers, to receive taxes and receipt for the same. In fact, the tax-collector informed the managers that these receipts were given without his authority or knowledge, and that the parties had not paid him the taxes as required by law.

Question. Do you know whether A. W. Wilson claimed to have paid taxes of any of these persons who presented bogus receipts and claimed for them the privilege of voting?—Answer. I heard A. W. Wilson state that he had collected money taxes for a large number of voters and was ready to pay the same, and claimed that they were entitled to a vote. The managers decided that the voters should produce the receipt of the tax-collector before they could cast their votes.

Question. Were you a manager of the election held on 5th November, 1872, for presidential electors and member of Congress, at the court-house in Chatham County, Georgia?—Answer. I was.

Question. Do you know of any persons having been arrested at said election for the offense of illegal voting?—Answer. I know of several persons being arrested for illegal voting.

Question. To what race and political party did they belong?—Answer. They were all negroes, and claimed to be republicans. Don't remember how many; think more than twenty.

Question. Do you know any fact showing that these persons did commit the crime of illegal voting; and in what did the illegal voting consist?—Answer. I was the committing magistrate, and held the examinations in the cases—presided at the examination. The testimony of several witnesses was positive that several of the parties arrested voted several times. Where there was any doubt in the testimony as to any of the parties being guilty of the charge against them, and when the State failed to prove to my satisfaction that some of them were guilty, I discharged them. All of the prisoners that were required to answer the charge by the court of examination the testimony was positive before me.

Question. Were you arrested for any alleged mismanagement of said election; and, if so, when and by whom?—Answer. A few days after the election for member of Congress, late at night I was informed that I was prosecuted for a violation of the enforcement act, and that the United States marshals were after me. The next morning I appeared before A. W. Stone, United States commissioner, and tendered a bond and security for my appearance to answer the charge alleged against me.

(Counsel for contestant objects to the evidence of witness so far as it relates to the election held in October, 1872, as having nothing whatever to do with the issue in this case; and to that relating to the election in November, so far as it embodies facts not coming within his own knowledge, on the ground of incompetency, and because there is no allegation in contestee's answer which this evidence goes to sustain.)

Cross-examination:

Cross-question. Will you state whether you know of your own knowledge whether the parties showing what has been called in this examination bogus receipts, had not, prior to the election held on the 5th day of November, 1872, at which Morgan Rawls and Andrew Sloan were voted for for Congress, had not paid their poll-tax as required by law?—Answer. Don't know whether they paid poll-tax or voted at any other election; all that I know is that at the election referred to for presidential electors and Congressmen all voters were required to produce a receipt from the tax-collector that his taxes had been paid, and unless they produced the receipt they were not permitted to vote.

Cross-question. Please state whether you, of your own knowledge, know for which congressional candidate the parties who you have testified were arrested for illegal voting actually cast their ballots.—Answer. I do not know, of myown knowledge.

Redirect:

Question. Did you, before or on the day of the election held for presidential electors and members of Congress, hear anything of a probable contest between Andrew Sloan and Morgan Rawls? If so, what did you hear, and by whom was it said?—Answer. I cannot now remember the names of persons, but there was a general rumor at the court-house on the day of the election that, unless the votes cast at the Ogeechee district were received, that Andrew Sloan would contest the election. When I say received I mean that unless the votes cast at the so-called country precincts were received by the managers of the election held at the court-house, and counted by said managers and consolidated as legal votes, that Mr. Sloan would contest the election of Morgan Rawls.

(Counsel for contestant objects to witness stating what was the rumor about probable contest.)

Question. To what political party did these persons belong whom you heard say that?—Answer. Belonged to both parties. One of the persons, I think, was Mr. Seely, who claimed that he superintended the election held in the county precinct, insisted upon the managers at the court-house consolidating the votes, and he stated that unless they were received that the election would be contested. Mr. Seeley always claimed to be a republican. All of the managers in the county precincts claimed to be republicans.

Recross:

Cross-question. You state that it was said that Andrew Sloan would contest the election in case country precincts were not received?—Answer. I stated that it was rumored about the court-house that unless the managers of the election held at the court-house received the votes cast at the so-called county precinct or precincts and consolidated them as legal votes, that Mr. Sloan would contest the election of Morgan Rawls.

Cross-question. Do you mean to say that it was rumored that Andrew Sloan would contest the election in the case you named, in any general result of the election, or in any result of the election generally?—Answer. The idea conveyed to my mind from the rumor, was that Mr. Sloan would contest the seat of Col. Rawls in Congress, unless the votes cast at the county precincts were counted. Of course if Mr. Sloan was elected without the votes cast at the country precincts, it would be nonsense for him to raise any objection.

Cross-question. Do you know what are the politics of Squire Moody of the Ogeechee district?—Answer. He has always claimed to be a republican.

Cross-question. Do you testify that all the mangers of the three country precincts where elections were held on the 5th day of November, 1872, and the returns thereof rejected at the court-house, were republicans in politics?—Answer. All that I knew claimed to be republicans.

Cross-question. Will you name all that you do know?—Answer. There is Moody, Smith, Porter, King, Thomas, and others whose names I do not now remember, except that of Staley's.

Cross-question. What is the politics of the managers at the court-house?—Answer. As to myself I was a straight-out democrat; McBerrien was a democrat; Elseiger was a republican. I cannot now remember the names of the other managers who presided at the election.

ISAAC RUSSELL.

Sworn to and subscribed before me at Savannah, Chatham County, Georgia, this 12th of March, A. D. 1873.

[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public Chatham County, Ga.

AT OFFICE OF MESSRS. SMITH AND BEEKS,
Savannah, Ga., March 13th, A. D. 1873.

Resumption of evidence in the case of Andrew Sloan vs. Morgan Rawls.—Contest.

ASA A. DAVIS sworn and says:

Question. What official position did you hold at the presidential and congressional election on the 5th day of November 1872, at the court-house in Chatham County, Georgia?—Answer. I was sworn in as deputy sheriff.

Question. Do you know of any parties having been arrested at said election for the offense of illegal voting or voting more than once; if so, how many, and what facts do you know going to establish the guilt of any of the parties?

(Counsel for contestant objects on the ground that this does not constitute evidence germane to the issue. Willing that witness be asked if he knows of illegal votes being cast on the grounds of his knowledge.)

Answer. I do know of parties being arrested for illegal voting or voting more than once. There was two that I know of. I arrested Adam McIntosh because I saw him vote twice, and a boy by the name of Brown. On my way carrying Adam McIntosh to the guard-house he stated to me that he had voted four times; (counsel objects as hearsay;) that he be God-damned if he did not vote four times more if I would only let him go. This man Brown that I arrested, I saw him vote twice myself. On the way, going to the guard-house, he stated to me that he had voted three times, and after I got him into the office at the guard-house he repeated the words in the presence of Lieutenant Riley and the turnkey that he had voted three times, and that he be God-damned if he did not do it again if he could get out. I made several arrests that day under the direction of Mr. Sheftall. I can't say how many were arrested I think there was seventeen or eighteen. I cannot speak positively on this fact.

Question. To what race and political party did the parties arrested for illegal voting at said election, belong?

(Counsel for contestant objects unless it be asked which one of the contestants in this case the parties voted for, the politics of voters having nothing to do with this issue.)

Answer. The parties arrested were black, and I believed them to be republicans. I speak of those two parties that I arrested myself. All that I arrested that day were negroes.

Question. To what race did all the parties arrested on that day belong?—Answer. They were all negroes; or that is what I call them.

Question. Do you know any facts going to show for whom any of the above parties voted at said election?—Answer. To the best of my knwledge and belief that Adam McIntosh did vote the republican ticket twice, and Brown did vote it twice. The tickets were of different color from ours and a very large ticket. I did not see the inside of the ticket. When I say "ours" I mean the democratic ticket.

Question. Did you see any of said parties vote the ticket above described?—Answer. I did.

Cross-examination:

Cross-question. Did you see all the parties arrested that day at the time of their arrest?—Answer. I did not. I saw them all the next morning, except two of them, at Isaac Russell's office.

Cross-question. Do you know that all the parties whom you saw next morning at Justice Russell's office, had been arrested the day before for illegal voting?—Answer. I do not know, under my own knowledge. I know that they were brought there for trial for that offense. The two that I arrested myself, Adam McIntosh and Brown, were brought there for illegal voting, and were convicted of it.

Cross-question. Did you see the warrants upon which all of the prisoners were brought to Justice Russell's office on the day after the election?—Answer. I saw them all.

Cross-question. Did you read each one of the warrants?—Answer. I did not read each one of them. I read two, and signed two; was the prosecutor in the case.

Cross-question. How many warrants did you see?—Answer. I cannot tell exactly. I think some seventeen.

Cross-question. You state that you do not know which one of the contestants, Andrew Sloan or Morgan Rawls, that these parties voted for?—Answer. I do not know of my own knowledge. I did not read the ticket; had no right to do so. To the best of my knowledge, it was the republican ticket.

Cross-question. Did you get your knowledge from reading the ticket?—Answer. I did not.

Cross-question. What is your occupation?—Answer. Bailiff of the city court.

Cross-question. What are your politics?—Answer. I am a democrat.

A. H. DAVIS.

Sworn to and subscribed before me, at Savannah, Chatham County, Georgia, this 13th day of March, A. D. 1873.

[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

ISAAC M. MARSH sworn and says:

Question. In what capacity did you act at the election for governor in October, 1872, and for members of the legislature in the same month and year, at the court-house in Chatham County, Georgia?—Answer. I acted as one of the managers of said election.

Question. If there was any proposition made to you or any other manager of said election to vote certain parties who did not have the receipt of the tax collector, showing that they had paid their taxes, by whom was the proposition made, what was the proposition, and what action did the managers take in the premises?

(Counsel for contestant objects to the two preceding questions, and to any answer that could be given thereto, upon the ground that neither of the parties in this contest was a candidate at the election held in October, 1872.)

Answer. Colonel A. W. Wilson came to the ballot-box that I superintended, and made a proposition to vote a number of colored persons,

stating, as near as I can remember, that they did not have their tax receipts, but that he could swear that they had paid their taxes; which proposition myself and the other managers at that box declined to entertain, stating that the parties must produce their receipt from the tax collector.

Question. Where did the said A. W. Wilson reside at the time of said election; what official position did he hold, and what were and are now his reputed political sentiments?

(Counsel for contestant objects, on the ground of irrelevancy.)

Answer. As far as my knowledge extends, he resided in Chatham County. He was an internal-revenue officer in some capacity. I believe his political status to be republican.

Question. Did any of said parties produce tax receipts signed by the tax collector, or by any other person, upon which they claimed the authority to vote?

(Counsel for contestant objects on the ground that neither of the parties to this contest was a candidate at that election.)

Answer. Not knowing the parties personally that Colonel Wilson proposed to present, nor having had a list of their names given to me, I am unable to say whether they voted or not.

Cross-examination:

Cross-question. Are you acquainted with the character of Colonel A. W. Wilson, spoken of in your direct examination, for truth and veracity, in the neighborhood in which he resides?

(Contestee objects to the question and to any answer that may be made thereto on the grounds that the character of said A. W. Wilson has nothing to do with this contest.)

Answer.—I am not acquainted with the character of Colonel A. W. Wilson, with regard to its truth and veracity. Personally I know nothing against his character; have had very little acquaintance with him.

Cross-question. You cannot state whether or not you could believe Colonel A. W. Wilson on his oath?

(Contestee objects to the question as being irrelevant.)

Answer. I have no particular reason to disbelieve Colonel A. W. Wilson on his oath, any more than any one else.

Cross-question. Would you believe any one man on his oath as readily as another?—Answer. Not in all cases; circumstances might make a difference.

Cross-question. Does your belief or disbelief of men on oath depend entirely on circumstances?—Answer. No.

Cross-question. Do you or not believe some men's statements made on oath, while you would totally disbelieve similar statements made by other men?—Answer. Yes.

Cross-question. Would you believe statements made on oath by Colonel A. W. Wilson?—Answer. Yes.

(Contestee objects to all the last four questions and answers on the ground of irrelevancy to this issue.)

ISAAC M. MARSH.

Sworn to and subscribed before me this the 13th day of March, A. D. 1873.

[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

Contestee offers in evidence a certificate from a regularly-licensed and practicing physician as to the sickness of a witness, William Cantwell, who had been subpœnaed by contestee to give evidence, and marked Exhibit K.

JAMES J. MCGOWAN sworn, and says:

Question. What official position did you hold at the election for governor and members of the legislature in October, 1872, and at the presidential and congressional election on the 5th of November, 1872, in Chatham County, Georgia?—Answer. Was tax-collector of Chatham County.

Question. Were you the only person at the above-stated times authorized to receive the taxes, and receipt for them, of the citizens of Chatham County?—Answer. I was the only person authorized to collect and receipt for the same.

Question. Did you authorize any person before, at, or since the above-stated times to receive and receipt for taxes due the county of Chatham?—Answer. As the term was short for the collection of the tax, and in order to afford tax-payers every facility for paying their taxes, I received lists of names from persons representing both political parties, and filled out receipts for the names embraced in those lists, after my usual office hours. I kept my office going night and day. I did not authorize any person to collect and receipt for taxes. I was asked if the parties brought lists with the money if I would give receipts for the names. I told them yes, and did so for both parties.

Question. Was there any application made by any party to you to receive money and furnish tax-receipts for voters? If so, by whom, and whether or not you complied with the application?—Answer. Upon the day of the governor's election, in October, 1872, some gentlemen came into my office and tendered me several hundred dollars, with names accompanying them, which I refused to take, on account of not being able to issue receipts for each name. The gentlemen who proffered me the money were willing to receive one receipt covering the whole amount, but I felt that I had no right to do that. My refusal to do so was taken down by the gentleman making the offer at the time, in presence of the gentlemen who accompanied him. Mr. Alkins was the gentleman who made the tender. In a day or two after the governor's election, Colonel James Alkins brought me back those lists which he tendered me on the day of election to fill out receipts for them, which I did, and for which I was paid the taxes. Colonel A. W. Wilson gave me lists to fill out before the election, which I filled out and received the money for. On one occasion, I think probably two days before the governor's election, Colonel Wilson brought me a list of names, I think, as well as my memory serves me, with a check for the amount of names, the number of dollars on the check covering the number of names on the lists, one dollar each, for which he asked me to fill out receipts and give to him, which I refused to do, on the ground that I had fully as much work ahead as I could get through before the day of election, stating to him that I had to fill out lists for the democratic party, as up to that time I had filled out lists for the republican party principally. I wanted to act fairly and squarely, and give each party an equal showing. Colonel Wilson was very anxious for me to fill out the list, and I had a desire to do so, but I saw no possibility of doing so before the day of the election. However, Colonel Wilson left the list with me at the office, requesting me that if I should be able to issue the receipts for them that I should do so, which I promised to do if I had the time, and, I think, left the check enclosed for the amount with this list.

Question. Were the names of any of the persons on the lists presented by either Colonel Alkins or Wilson not recorded on your tax-books as tax-payers, and as due the county of Chatham for taxes?—Answer. Many of them were not on the digest, probably not much more than half of them.

Question. How long have you been tax-collector of Chatham County?—Answer. Since year 1866, except interval of five or six months. That interval occurred in 1868, if not at fault in memory.

Question. What proportion of the colored tax-payers of Chatham County had not paid their taxes up to the time of the presidential and congressional elections, on 5th November, 1872?

(Counsel for contestant objects to his answering, except it pertains to taxes paid to himself.)

Answer. I would have to refer to the digest to answer the question. From the time that I opened my office, in the latter part of September, 1872, in obedience to an order from the comptroller-general, dated Atlanta, Georgia, September 16, 1872, up to the presidential and congressional election in November, 1872, I think I collected about six thousand polls, the greater portion of which was collected previous to the governor's election in October. Out of the six thousand polls I think there was about three thousand five hundred whites; the balance, colored.

Question. To which political party do the respective races, white and colored, in Chatham County belong?—Answer. As a general thing, the colored population belong to republican party. As a general thing, the whites belong to democratic party.

Question. Were Morgan Rawls, contestee, and Andrew Sloan, contestant, candidates for Congress prior to and at the time of the governor's election, before referred to, and was that fact known to both political parties in Chatham County at the time of the aforesaid election?

(Counsel for contestant objects to witness testifying to what political parties knew, or to what any one but himself knows.)

Answer. Do not recollect whether they were candidates or not at the time of the governor's election.

Question. Were you present at the court-house at the election in Chatham County for President and Congressmen on 5th November, 1872?

Answer. I was in my office on that day, in the court-house, for the purpose of allowing all persons who had not yet paid their poll-tax for 1871 to do so.

Question. Was your official conduct on that occasion, and what you of and knew of the conduct of other officials having anything to do with said election, the same as was usual or customary at elections?—Answer. I presume it was. I can only speak for myself. My conduct was the same on that day as it was on the governor's election. My office was open for collection of poll-tax for 1871. I saw the election conducted on that day the same as on other days of election—that is, when I went up to vote.

Question. Did you observe any act on the part of the officers at said election, in October, 1872, for governor, and at the election 5th November, 1872, for presidential electors and Congressmen, placed there to preserve the peace and good order, including the police force, sheriffs, deputy sheriffs, that tended to intimidate voters?—Answer. I did not. I was in my office all day.

Question. Did the presence of the police force tend to the intimidation or the protection of the voters?

(Counsel for contestant objects except as to the tendency of the presence of the police force toward himself.)

wer. My impression is that it was for protection—to preserve peace
iet around the polls.
stion. Did you issue receipts to the parties referred to mentioned
regoing answer on the list handed to you by Colonel Wilson, and
you stated that you would fill out if you had time, before or on
y of the governor's election?—Answer. I did not. I filled them
me days after the election for governor.
insel for contestant objects to the whole of this witness's testi-
on the ground that it is not in rebuttal of anything called out by
tant, and has no bearing upon this case.)

Cross-examination of JAMES J. MCGOWAN:

ss-question. Might there not have been legal voters in the county
tham at the governor's election, in October last, whose names did
pear on the tax digest turned over to you, and to which you refer
r direct examination?
itestee objects to any opinion given by the witness, he being per-
only to state facts.)
wer. Yes.
ss-question. Do you not often collect taxes from persons residing
itham County whose names had not been previously placed on
x digest of said county?—Answer. Yes.
ss-question. Was the fact that names of persons offering to pay
were not on the said digest any evidence that such persons were
izens of Chatham County and legal voters thereof?—Answer. It
imes occurs that citizens of the county fail to make a return.
ss-question. Had you collected the taxes from all persons on said
at the time the comptroller issued his order of September 16th
—Answer. No; not half.
ss-question. Do you know, of your own knowledge, that white
s are generally democrats, and colored persons republicans, in the
of Chatham?—Answer. I do.
ss-question. Please state whether the colored or white male per
wenty-one years of age and upward, are on the ascendancy as to
rs in Chatham County.—Answer. Do not know.
ss-question. Which, in your opinion, with your knowledge of the
, is the most numerous?—Answer. I think I have heard it said
lored.
ss-question. Please state whether you were in a position, on the
f the two elections referred to in your direct examination, to know
er intimidation was used by any one about the court-house.—An
My position was such that I could not know, as I was in my

ss-question. Could you know, of your own knowledge, what tend
he presence of police at the polling places would have or did have
ers other than yourself?—Answer. Could not.

Redirect:

stion. Do you know of your own knowledge that the persons
names are embraced in the lists offered to you by Colonel Alkin
olonel Wilson, referred to in your direct testimony, reside in
am County? Have any of said parties ever applied to you in
wn person for tax-receipts?
insel for contestant objects to the question as irrelevant.)
wer. Yes; many of them reside in Chatham County. With the ex
n of some three or four, I think, no others applied for receipts.
stion. Are there not many names on these lists of persons whom

ned by me. These receipts were given immediately after the r's election.

JAS. J. McGOWAN.

ı to and subscribed before me this 13th day of March, 1872.
.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

JND ELSINGOR, sworn, says:

ion. Were you a manager of the election held at the court-house ıam County, for governor and members of the legislature, in , 1872?—Answer. I was.

ion. Do you know anything of persons offering to vote at said upon tax-receipts, not signed by the tax-collector? If so, state u know.

estant's counsel objects to any evidence concerning the election October, 1872, because the contestants in this case were not r at said election; objects also to testimony touching receipts to be in existence, as the receipts themselves are better evi-

er. I know of persons offering receipts, signed by various par- known to me as tax-collector, said receipts specifying that they poll-tax. I saw some signed by A. W. Wilson. I am not sure, . I recollect some signed by Cantwell.

ion. Can you give the name of the tax-collector of Chatham at the time of said election?—Answer. James J. McGowan.

ion. Were Morgan Rawls and Andrew Sloan candidates for Con- the time of the aforesaid election?—Answer. I cannot recollect ıether the nomination for these candidates had taken place at .

ion. Did Mr. A. W. Wilson or any other person insist on these voting bearing the aforesaid purported tax-receipts?

sel for contestant objects, on the ground that it is of no conse- ın this case upon what men voted, or whether they voted at all

election, 1872, affected his election in November of the same year, and because, in fact, the same could not affect his election in November.)

Answer. The police force of the city of Savannah was stationed at a short distance from the court-house, for the purpose of preserving order. This is generally done at elections.

Question. Was there any election held at any other place or places for governor and members of the legislature in October, 1872, in Chatham County, except at the court-house?—Answer. Nowhere else, to my knowledge, except city of Savannah, at court-house.

Cross-examination by Col. Atkins:

Cross-question. Do you mean to say that you know of your own knowledge that no election was held in Chatham County on that day, at any other place, except at the court-house?—Answer. Only so far that there was no other returns from any other precinct brought to the court-house on the day following said election.

Cross-question. Were you at the court-house all day on the day following the election?—Answer. No; I was not.

Redirect:

Question. Were you ever told by any party that there was any other election held in Chatham County on the aforesaid day than at the court-house?

(Counsel for contestant objects, on the ground that the evidence of the party telling witness is the best evidence to the fact.)

Answer. There was nothing made known, official or unofficial, of any other election having been held in this county, except at the court-house.

S. ELSINGER.

Sworn to and subscribed before me this 13th March, A. D. 1873.
[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

SAVANNAH, GEORGIA, *March* 14, 1873.

JAMES MCCAULEY, sworn, and says:

Question. Were you present at the election for governor, in October, 1872; if so, in what capacity?—Answer. I was present at that election; was chief deputy-sheriff.

Question. Was there any act on your part or on the part of your deputies committed at said election, which in any manner was unauthorized by your position, or in any manner tended to the intimidation of the voters.

(Counsel for contestant objects, on the ground that witness's authority is a matter of law, and to the law reference must be had for his authority to do such acts, and because he cannot possibly know the tendency of his acts on the minds of others.)

Answer. There was nothing that I know of but two arrests that were made that day; these arrests were made for creating disturbances. There was nothing done unauthorized or which tended to the intimidation of voters.

Question. Was there any voter who was entitled to vote prevented from voting at said election, in October, 1872, for governor?—Answer. No, sir; none that I know of.

Question. Was the police force of the city of Savannah stationed at or near the court-house, at said election; and, if so, what was the object?

(Counsel for contestant objects to witness stating object of placing police, unless he himself controlled and so stationed said police.)

Answer. The police force of Savannah was stationed about a block from the court-house; to the best of my knowledge they were held in reserve in case of a riot, to assist the deputy-sheriff. There was none of them around the polls.

Question. Is it not customary at elections held at the court-house, in the city of Savannah, for the police force to be placed at some distance from the polls, to preserve the peace and good order?

(Counsel for contestant objects, on the ground that the custom observed at other elections other than that at which the parties to this contest were candidates, has nothing to do with this case.)

Answer. Yes, sir; at all political meetings or elections.

Question. Were you present during the entire day at said election in October, 1872, for governor? Did you observe any act on the part of either the managers, or the officers present to conserve the peace, that tended to intimidate the voters?

(Counsel for contestant objects on the ground of irrelevancy.)

Answer. Was present at that election from the time it commenced until it ended, except when I was gone to the barracks. I did not observe any act on the part of the managers or officers which tended to intimidate voters.

Question. Was not this election conducted in the usual manner of conducting elections?—Answer. Yes, sir; it was conducted in the same manner as they conduct all other elections to the best of my knowledge.

Question. Do you know of your own knowledge of any persons offering to vote at said election in October, 1872, on tax-receipts not signed by the tax-collector of Chatham County?—Answer. There was some colored voters came up there with slips of paper, with A. W. Wilson's name on it, which slip of paper acknowledged the receipt of one dollar. They tried to vote on them, but the managers refused to accept their votes.

(Contestant's counsel objects, because the presentation of tax-receipts is not a prerequisite to vote under the laws of Georgia.)

Question. Who was tax-collector at the time of said election, of Chatham County?—Answer. James J. McGowan.

Question. Do you know if Morgan Rawls and Andrew Sloan had been nominated as candidates for Congress prior to or at the time of the aforesaid election; and if you knew at that time they were candidates as aforesaid?—Answer. To the best of my knowledge they were nominated. It was generally talked among the people that they were candidates, one from the democratic and the other republican party.

Question. Do you know to what political party these persons belonged who offered to vote at said election with receipts, with A. W. Wilson and other names attached thereto?—Answer. To the best of my knowledge they were republicans.

(Counsel for contestant objects to the entire direct testimony of this witness thus far given, for the reason that it does not pertain in any way to the issue in this case; nor to rebut any evidence brought out by contestant.)

Question. What official position did you hold at the election for President and member of Congress, on the 5th day of November, 1872, in Chatham County, Georgia?—Answer. I held the position of chief

deputy sheriff; but was co-operating with the United States marshal; the marshal and his forces were co-operating with me and my forces.

Question. What was the object of your and the United States marshal's presence at said election?—Answer. We were there for the purpose of preserving order, and seeing that every one voted that had a right to vote.

Question. Did you or the men under your control and directions arrest any parties at said election in November, 1872, for illegal voting, or voting more than once, or for attempting to vote illegally or more than once?

(Counsel for contestant objects to witness stating for what parties were arrested unless he swears that of his own knowledge he knows such parties to have voted illegally.)

Answer. I arrested two myself for illegal voting, and others were arrested by other officers; about thirty (30) in all, I think.

Question. To what race and political party did the persons belong who were arrested for illegal voting at said election?—Answer. The two parties that I arrested were not residents of the county. They were colored men and belonged to the republican party. All the men arrested were colored men, and to the best of my knowledge they all belonged to the republican party.

Question. What knowledge have you that the two men whom you arrested were not residents of Chatham County?—Answer. Because, about two weeks before that they were brought down by United States marshals as witnesses in a case from Wilkinson County. I arrested them for voting twice, which I saw myself, and trying to vote a third time. They had republican tickets on them, in their hands and some in their pockets. One negro was named Harry Lawther, the other Israel Mitchell. Mitchell was convicted and sent to the penitentiary, and Lawther escaped from the officer that was taking him for examination, or to give bonds; I forget which. They were identified by other parties as having four times. I mean in court. There were also four or five others convicted for same offense and sentenced to the penitentiary. There would have been more convicted as the officers that arrested them were afraid to appear against them, for fear of arrest themselves by the United States authorities.

(Counsel for contestant objects to witness stating what would have been in any case.)

Question. For what were all or most of the persons arrested, charged with?—Answer. Illegal voting.

Question. What do you mean by illegal voting?—Answer. Voting more than once.

Cross-examination by Col. Atkins:

Cross-question. Name the two persons arrested on the day of the October election, 1872?—Answer. James Bryant, deputy collector, white, and Josiah Grant custom-house night watchman or inspector, colored man.

Cross-question. State what acts were done by James Bryant by which he created disturbance.—Answer. He was officiating as a challenger inside the railing. He was very noisy and was requested by the managers to keep quiet. He would not pay any attention to them; jumped out from behind the railing and tried to interfere with myself and other deputy sheriffs. I told him to get inside of the railing twice to his position where he was before. He refused to do it, and to prevent a disturbance, as there were a great many people around, I ordered his

arrest; he resisted and tried to pull out two derringer pistols, one from each pocket, on the two deputy sheriffs that had hold of him. He was taken over and given in charge by the police under arrest, and a charge made against him of assault with an intent to murder and carrying concealed weapons.

Cross-question. Please state what words he used or what movements made, by means of which he became noisy.—Answer. Between him and the managers of the election; I do not know what words passed. They were talking very loud and inside of the railing. I meddled with no man. I was an outside officer to keep the peace.

Cross-question. Did not Bryant, just before the time of his arrest, come out to ascertain why you or the officers under you were preventing colored voters from approaching the polls, and did not you or some one under you, state that it was by the direction of the sheriff, for whom you went or sent immediately?

(Counsel for contestee objects to question, and to any answer that may be made thereto, as the witness cannot tell Bryant's object for coming out from behind the railing, and that there is no evidence going to show or no charge either in contestant's grounds of contest or contestee's answer against witness attempting to prevent colored persons from approaching the polls.)

Answer. Bryant did not ask me any such questions.

Cross-question. How came Bryant to come outside of the polls?—Answer. I do not know.

Cross-question. What did Bryant say when he came out?—Answer. Don't recollect what he said.

Cross-question. To whom did he talk?—Answer. He spoke to me something about the way the election was managed.

Cross-question. State how Bryant tried to interfere with yourself and other deputies.—Answer. When he spoke to me about the way the election was managed, he was talking very loud. I told him that I did not want to get into any political discussion with him, and that as I was there to preserve the peace, that his talk was gathering a crowd around him and interfering with the voters, that he ought to go inside and settle it afterwards, if there was anything wrong, which he refused to go inside where he was before, and not make any fuss. He defied me to arrest him after being told twice.

Cross-question. What did he say to you when he came out?—Answer. He was running down the managers of the election.

Cross-question. Did Bryant ask you to do anything about it?—Answer. No, sir.

Cross-question. You say that you told Bryant that if there was anything wrong to settle it afterwards. What wrong did he complain of to which you refer?—Answer. To the best of my recollection, it was about the slips of paper that they, the colored voters, were representing as tax receipts and the managers would not take.

Cross-question. Do you swear that you cannot recollect a single word that Bryant said to you?—Answer. Nothing but his excited language about the managers of the election.

Cross-question. Then you do remember the excited language that Bryant used about the managers?—Answer. Can't recollect the words, only he was very much excited. It has been so long since.

Cross-question. Did not Bryant ask you to do anything about it?—Answer. Not that I recollect of.

Cross-question. Did Bryant complaim in your hearing that wrong was being done?—Answer. No, sir.

Cross-question. How did you come to say, that if anything was wrong to settle it afterwards?—Answer. That was when Bryant spoke of these slips of paper, fraudulent tax receipts, being refused.

Cross-question. Do you call slips of paper signed by A. W. Wilson, tax receipts?—Answer. They were represented to be tax receipts.

Cross-question. Who represented them to be tax receipts?—Answer. These colored voters who were presenting them.

Cross-question. State how you went about arresting Bryant?—Answer. After telling him to take his position where he was, and after telling him twice to do so, he refused and defied me to arrest him. I called on two of the men that were alongside of me; they arrested him the same as any other man would be arrested.

Cross-question. Do you swear unhesitatingly that you arrested Bryant as you would arrest any other man?—Answer. Yes, sir.

Cross-question. Please state the process of arresting Bryant.—Answer. I believe one of the men put his hand upon Bryant's shoulder to arrest him, and he (Bryant) resisted trying to pull out the two pistols.

Cross-question. Where did he have the two pistols?—Answer. Had them concealed in his pantaloons pocket, one in each pocket.

Cross-question. Did Bryant have a hand in each of his two pantaloon pockets?—Answer. He put them in each of his pockets when he was arrested.

Cross question. How do you know that Bryant was trying to pull out the two pistols?—Answer. Because I saw him.

Cross-question. Did you see into his pockets?—Answer. I saw him try to take them (the pistols) out. I saw the handles of them.

Cross-question. Have you stated all that was done going to constitute the arrest?—Answer. To the best of my knowledge I have.

Cross-question. Was Bryant struck?—Answer. He was struck the moment he pulled out the pistols.

Cross-question. Then you swear he pulled out the pistols?—Answer. He tried to pull them out; he had them partly out of his pockets.

Cross-question. Who struck Bryant?—Answer. One of the officers that had hold of him.

Cross-question. What was the name of that officer?—Answer. I think his name was Kelly.

Cross-question. What was Kelly's given name?—Answer. I believe his name is William Kelly.

Cross-question. Where did Kelly reside at that time?—Answer. Savannah, Georgia.

Cross-question. Does he reside in Savannah, Georgia, now?—Answer. I cannot say. He is a painter by trade.

Cross-question. Did the blow knock Bryant down?—Answer. No, sir.

Cross-question. Did it cause any blood to flow?—Answer. I believe it did.

Cross-question. By what authority was Bryant placed in custody of the police of the city of Savannah?—Answer. He was placed in charge of the police by me until he got a proper hearing, which he did immediately.

Cross-question. A hearing before whom?—Answer. A hearing before a magistrate.

Cross-question. What do you mean by immediately?—Answer. Just as soon as he was taken over to where the police was stationed.

Cross-question. How long was it after the arrest before he (Bryant) was tried?—Answer. About five minutes, I guess.

Cross-question. Was Bryant's hearing to which you refer had in the open air or in some building?—Answer. I think it was held in same building that the police was stationed at.

Cross-question. What building was that?—Answer. Army Hall building, right opposite to the court-house.

Cross-question. How many deputy sheriffs had you under your command?—Answer. Fifty.

Cross-question. Why did you turn Bryant over to the police for safe-keeping?—Answer. They were the proper authorities. I and my deputies were stationed at the court-house.

Cross-question. Do you generally place prisoners when arrested by you in custody of the police of Savannah?—Answer. Prisoners when arrested are always put in charge of the police or taken to jail.

Cross-question. Were the police armed in a manner that would make them peculiarly capable of guarding prisoners on that day, (October election, 1872?)—Answer. They were armed the same way as any other election, and in any other city that I ever saw.

Cross-question. Were they armed with guns, with bayonets on them?—Answer. Yes, sir.

Cross-question. You say you was at Bryant's trial at the armory building?—Answer. I was.

Cross-question. Before what magistrate was Bryant tried?—Answer. Isaac M. Marsh.

Cross-question. Were you a witness?—Answer. I was not a witness; the man on whom he pulled the pistols was a witness.

Cross-question. What other member or members of your force were present at the trial?—Answer. Cannot exactly say; some two or three were there.

Cross-question. Who were in charge of the force at the poll in the court-house while you were attending the trial?—Answer. Sheriff of the county, Geo. S. Baithelmess.

Cross-question. Was George S. Baithelmess present at the time Bryant was arrested?—Answer. No, sir; I think he was present when we were taking him over to the armory.

Cross-question. Did you or did any one under you on the day of the October election, prevent colored men with the Wilson receipts from approaching the polls at any time?—Answer. No, sir.

Cross-question. Could you see all of your men at every moment during the day?—Answer. I could not see them every moment. I was continually walking around and looking after them, however.

Cross-question. Do you swear positively that Bryant's trial took place before Justice Isaac M. Marsh in Armory Hall, a few moments after his arrest?—Answer. To the best of my knowledge it was two or three or five minutes.

Cross-question. Were there any other witnesses examined in the case besides Kelly?—Answer. No, sir; I don't think there was.

Cross-question. How do you know that there was nothing done on the day of the October election, 1872, that did not tend to intimidate voters?—Answer. I did not see anything done myself.

Cross-question. About how many armed police were in the square on the day of election?—Answer. About fifty I should think.

Cross-question. What time in the day was Bryant arrested?—Answer. In the afternoon, about 2 or 3 o'clock.

Cross-question. What time in the day was Josiah Grant arrested?—Answer. About ten o'clock in the morning.

Cross-question. Were you present when Josiah Grant was arrested;

and if so, who arrested him?—Answer. One of the men who arrested Grant was named Butler. I was present when he was arrested.

Cross-question. How was Grant creating a disturbance when he was arrested?—Answer. He was very noisy; was blocking up the passage-way and interfering with voters.

Cross-question. How was he interfering with voters?—He was standing outside of the railing on the street challenging respectable voters and using very obscene language. He was ordered away by the election managers and told that he was no challenger; the challengers were inside of the railing. He was arrested.

Cross-question. Were there any colored challengers?—Answer. Yes, sir, there was. All of the challengers had a place allotted them inside under the protection of the officers.

Cross-question. Give the name of some one of the colored challengers?—Answer. Don't know any of them. Don't associate with negroes.

Cross-question. Do you know no negroes by sight?—Answer. Know some.

Cross-question. Do you swear positively that there were negro challengers inside of the railing?—Answer. To the best of my knowledge there was one named Pappy connected with the custom-house.

Cross-question. Then you do associate with Pappy?—Answer. No, sir; I do not associate with him, but I know him.

Cross-question. Were all the negroes who presented themselves at the polls on that day and offering to vote, permitted to cast their ballots?—Answer. All voters that I saw, both black and white were allowed to vote when they satisfied the managers that they were legal voters.

Cross-question. State whether you saw any colored man's vote rejected on that day?—Answer. I believe I saw some that had not tax receipts.

Cross-question. Did the managers require the production of tax receipts before they would allow a voter to cast his ballot?—Answer. When they were challenged they had either to take the oath or produce the tax receipt.

Cross-question. What oath do you refer to as being required of voters?—Answer. That they had paid their lawful taxes for that year; that they had to do in every other place that I saw.

Cross-question. Did they require voters to show that they had paid their poll-taxes for 1872?—Answer. I think the poll-tax for 1871 was required.

Cross-question. Did not the men who brought the receipts signed by Wilson and others, already mentioned by you, express their willingness to swear that they had paid the poll-tax which you mentioned?—Answer. They offered to swear that they had paid it to Wilson. They did not offer to swear that they had paid their poll-tax without saying to whom. They had Wilson's name on their papers.

Cross-question. Did you see any negro's vote rejected when offering to vote upon their oaths that they had paid their tax?—Answer. No, sir.

Cross-question. Did not the managers of that election require the production of a tax-receipt from James J. McGowan, as a prerequisite for casting the ballot?—Answer. No, sir. If they swore to it, it was the same thing as a tax-receipt.

Cross-question. Do you not know that A. W. Wilson had paid the taxes for several hundred persons and asked of the managers that these persons might be allowed to vote?—Answer. No, sir. I knew nothing about that.

Cross-question. Do you not know that a tender was made on the day of the election, of money sufficient to pay the taxes of several hundred voters to the tax-collector, James J. McGowan, and subsequently application was made to the managers of that election to allow the parties for whom this money was tendered to the tax-collector to allow such persons to vote?—Answer. Know nothing about Mr. McGowan's business.

Cross-question. Was a man whose poll tax had been paid for 1871 entitled to vote at that election?—Answer. Certainly he was if he had paid it.

(Contestee objects to question and answer of witness as it is a matter entirely governed by law.)

Cross-question. You state here, do you not, informally, that a man, to be entitled to vote, must in person pay his poll-tax to the tax-collector? (Contestee objects to the question as being leading and suggesting the answer to the witness.)—Answer. I have myself always had to pay my poll-tax in person. That is the law as I understand it.

Cross-question. Will you explain what you mean by customary when you said: "It is customary at all political meetings and elections to have the police force of the city present?"—Answer. At a political meeting held at St. Andrew's Hall, a riot took place there, and the police were called out. There was some shooting done there, and after that a prominent negro politician made a speech to the colored people, telling them "to arm themselves, and go the polls armed; pay no taxes and vote any how." That the mayor of the city and police was warned of this speech. I read it in the newspapers—the same being published—that the negroes were arming, holding secret meetings, and drilling. They were drilled by a United States soldier, a sergeant. I followed the man myself one night, and saw him go into the barracks. From that information, the precaution was taken to have police at political meetings. At the meeting of St. Andrew's Hall, (republican meeting,) white citizens were shot at from the windows, and the police had to be brought there to quell the disturbance.

Cross-question. This is your definition of "customary," is it?—Answer. It is.

Cross-question. When was Morgan Rawls nominated for Congress, and where?—Answer. To the best of my knowledge, he was nominated at Blacksheir. I don't know the date.

Cross-question. When and where was Andrew Sloan nominated for Congress?—Answer. To the best of my knowledge, he was nominated at St. Andrew's Hall, in Savannah. Don't know the time.

Cross-question. Are you certain that their nominations had already taken place at the time of the October election, in 1872?—Answer. Can't say positively. It was some time about then.

Cross-question. You arrested on the day of the presidential and congressional election in November, 1872, two persons, Harry Lowther and Israel Mitchell, for voting more than once?—Answer. I arrested them both.

Cross-question. How often did you see Harry Lowther vote?—Answer. Saw him vote twice. He tried to vote the third time.

Cross-question. Do you swear positively that you saw him vote twice, and saw him offer to vote the third time?—Answer. I do.

Cross-question. What time in the day did you see him vote the first time?—Answer. In the morning, about ten o'clock.

Cross-question. What time the second time?—Answer. About two o'clock.

Cross-question. What time did you see him offer to vote the third time?—Answer. About four o'clock in the afternoon.

Cross-question. At which box did he vote the first time?—Answer. In box York street side.

Cross-question. How far were you from him when he voted?—Answer. Was close to him.

Cross-question. Did you hear him give his name?—Answer. Yes, sir; he voted once with his own name, and the next time different name.

Cross-question. What name did he give the first time when you saw him vote?—Answer. He gave his own name, Harry Lowther.

Cross-question. Did you read his ticket?—Answer. I never take any man's ticket out of his hands. He voted an open ticket.

Cross-question. At what box did he vote the second time that you saw him vote?—Answer. At the York street box.

Cross-question. How far were you distant from him?—Answer. About three or four feet.

Cross-question. You distinctly recognized him?—Answer. Yes, sir.

Cross-question. What name did he give?—Answer. I think he gave the name of Jones.

Cross-question. Did you see his name recorded the usual way?—Answer. I believe they recorded it.

Cross-question. What Christian name did he give?—Answer. I don't know. It attracted my attention when I saw him give a different name from his own.

Cross-question. Did you read his ballot?—Answer. No, sir; it was an open republican ticket.

Cross-question. Did you read Andrew Sloan's name on it?—Answer. I did not. When I arrested him, he had a number of tickets with Andrew Sloan's name on.

Cross-question. How long after this did you arrest him?—Answer. I arrested him just as he was going outside of the court-house, about two hours after he had voted the second time.

Cross-question. Where did you find these tickets?—Answer. He and Mitchell had a ticket in each hand and tickets in their pockets, and a revolver in one of them.

Cross-question. Can you state who voted immediately before and immediately after Harry Lowther the second time under the name of Jones?—Answer. I do not know.

Cross-question. Do you know of any one voting about that time?—Answer. I cannot give the name of any one voting about that time.

Cross-question. What name did Lowther give when he offered to vote, about four o'clock for the third time you saw him offer to vote that day?—Answer. I did not hear him give the name the third time. I stood off watching him.

Cross-question. Did you read the ticket that he offered to vote the third time?—Answer. I did, after he got out, when I arrested him.

Cross-question. How near was you to him when he offered to vote the third time?—Answer about ten feet.

Cross-question. At what box was this offer to vote the third time?—Answer. On the left-hand side of the hall as you go in from Bull street.

Cross-question. What became of him when he offered to vote the third time?—Answer. Him and his partner walked off.

Cross-question. At which door did he go out?—Answer. Drayton street door.

Cross-question. Where was he when he was arrested?—Answer. At the back door of court-house, outside of the inclosure, on the street.

Cross-question. Were there any persons in the hall or about the place when he was arrested, at the time he was arrested?—Answer. There was plenty of people all around there.

Cross-question. Did any one ask you to arrest him?—Answer. There were several parties who were watching him, but I arrested him on my own account.

Cross-question. Did you follow him at once?—Answer. Yes, sir.

Cross-question. Did you lose sight of him at any time while you was following him?—Answer. No, sir.

Cross-question. Who was with Lowther when you saw him attempt to vote and when you were following him?—Answer. Himself and Mitchell, going from box to box.

Cross-question. Are you certain that he did not vote on the third time?—Answer. Yes, sir.

Cross-question. Did you keep your eye on the ticket that he held at that time?—Answer. I did.

Cross-question. Did you take that ticket out of his hand?—Answer. I did.

Cross-question. Why did you not arrest him when you saw him vote the second time?—Answer. Because I wanted to make sure work of it.

Cross-question. Then when you said Lowther voted as Jones you were not sure that it was Lowther?—Answer. Yes, sir, I was. I wanted to let him try it again; I knew that he would do so.

Cross-question. What time in the day was it when you saw Israel Mitchell vote the first time?—Answer. About ten o'clock in the morning.

Cross-question. What name did he give?—Answer. I believe he gave the right name, Israel Mitchell.

Cross-question. Did you read his ticket?—Answer. No, sir.

Cross-question. What time did he vote the second time?—Answer. About two o'clock.

Cross-question. Did you read his ticket?—Answer. Yes, sir; I saw it was a republican ticket.

Cross-question. What did you mean that you read no man's ticket?—Answer. No man could read any ticket; can't read a man's ticket without taking it out of his hands.

Cross-question. Did you take Israel Mitchell's ticket in your hand the second time he voted?—Answer. No, sir; I saw the ticket. It was open.

Cross-question. Did you read the ticket Mitchell voted the second time?—Answer. Yes, sir.

Cross-question. How far was you from him?—Answer. About two or three feet.

Cross-question. Under what name did he vote the second time?—Answer. I think he gave his name as W'm Brown.

Cross-question. At the second time of voting on that day was he with Harry Lowther?—Answer. Yes, sir; both of them were together all day.

Cross-question. Did he cast his ballot before or after Harry Lowther?—Answer. After.

Cross-question. Was his the very next ballot cast after Lowther's when the latter voted as Jones?—Answer. Yes, sir.

Cross-question. What time of day and at what box did Mitchell offer to vote the third time?—Answer. About four o'clock, at the box on the left-hand side of the court-house.

Cross-question. What name did he give?—Answer. Was not close enough to hear.

Cross-question. Were any white men arrested on the day of the presidential election in 1872, for illegal voting or attempting to vote?—Answer. No, sir.

Redirect:

Question. Did you hear any of the persons arrested for illegal voting at the presidential and congressional election, say that they had voted more than once at said election, and how often did they say they had voted on that occasion, and what ticket did they say they voted each time, and were these ballots for Andrew Sloan for Congress, and how many of said persons did you hear say this?

(Counsel for contestant objects as hearsay evidence in part, and the balance, because it is not material to the issue in this case.)

Answer. The negroes that were convicted and sent away acknowledged that they had voted several times the republican ticket that day.

Question. Are you certain that the names of Jones & Brown are recorded together on the list of voters?—Answer. Yes, to the best of my knowledge. I may be mistaken about the names.

Recross:

Cross-question. To what political party do you belong?—Answer. I am a democrat.

Cross-question. Do you belong to same Greeley club that Mr. Elsenger did?—Answer. I belonged to the Greeley club.

Cross-question. Did Sigmund Elsenger belong to the Greeley club?—Answer. I don't know.

JAMES MACAWLEY.

Sworn to and subscribed before me this, the 14th day of March, A. D. 1873.

[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public C. C., G.

Contestee tenders in evidence copy of an agreement between Andrew Sloan, contestant, and contestee Morgan Rawls, an agreement as to the persons before whom testimony shall be taken, marked Exhibit L. Also the original subpœnas served on witnesses to appear for examination in Chatham County, Georgia, with the officers' return of service entered thereon, and marked, respectively, M, N, O, P.

[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public Chatham County, Georgia.

Testimony taken for Morgan Rawls in the matter of the contested election by Andrew Sloan, contestant, and Morgan Rawls, returned member of the Forty-third Congress, at an election held in the first congressional district of Georgia on the fifth (5th) day of November, A. D. 1872.

IN THE CASE OF ANDREW SLOAN
vs.
MORGAN RAWLS. } Contest.

SAVANNAH, GEORGIA, *April 5th*, 1873.

In pursuance to notice given by Morgan Rawls, returned member of the Forty-third (43d) Congress, to take depositions, giving names of

witnesses, time, &c., and in accordance with agreement between the said Sloan and Rawls, the following persons met and are present: Morgan Rawls for himself; Amherst W. Stone, counsel for Andrew Sloan; John J. Newton; and H. H. Sasnett, notary public.

Morgan Rawls, contestee, here offers in evidence the notice to take depositions in this place marked Exhibit G G.

PETER ROBERT (colored) sworn, says:

Question. Where do you reside?—Answer. Effingham County, Georgia.

Question. How long have you resided in Effingham County, Georgia?—Answer. Thirty years.

Question. Are you well acquainted with the colored voters of Effingham County?—Answer. I am with a great many.

Question. To what political party do you belong?—Answer. The republican party.

Question. Do you hold any political position in said party?—Answer. Not at this time. I used to be a marshal in the colored Union League.

Question. Who were the candidates for Congress at the election held on the 5th of November, 1872, in the first congressional district?—Answer. Mr. Andrew Sloan and Colonel Morgan Rawls.

Question. Who was the democratic, and who the republican candidate?—Answer. Colonel Rawls was the democratic, and Mr. Sloan the republican candidate.

Question. What candidate did you support in that election?—Answer. I supported Colonel Rawls.

Question. Did you distribute election tickets to the colored people in Effingham, with Morgan Rawls' name for Congress on them, in the tenth district Georgia militia?—Answer. I did.

Question. Will you state about how many tickets?—Answer. From fifty to one hundred.

Question. How long before the election?—Answer. About a week before the election.

Question. Were they republican or democratic tickets you distributed?—Answer. They were republican tickets, with Morgan Rawls' name on the bottom for Congress on the same tickets.

Question. Who were the republican candidates for President and Vice-President?—Answer. General Grant for President and Henry Wilson for Vice-President.

Question. Did the colored voters to whom you distributed those tickets know that Morgan Rawls' name for Congress, and did they express a willingness and say they would vote for Morgan Rawls?—Answer. They did.

Question. Did you attend the aforesaid election, and, if so, at what place?—Answer. At Springfield, in Effingham County.

Question. Did you distribute many of the afore-described tickets to the colored voters at that place?—Answer. I did. I distributed about fifty at Springfield.

Question. Did these men to whom you gave these tickets know that Morgan Rawls' name was on them for Congress, and did they express a willingness to vote for him?—Answer. They did.

Question. Why were you and these other colored republicans in Effingham County willing to vote for Morgan Rawls for Congress when he was the democratic candidate?—Answer. Because he is a man that I know to be an upright man a long while, and because when he was up to the Georgia legislature the last time he voted for the fifteenth amend-

ment. We thought by that that he was as good a friend as we could have to go to Congress.

Question. Have you any reasons to know or believe that these colored men to whom you gave those tickets voted the same tickets?—Answer. A very few of them voted them; one or two, when I was at Springfield, when I was.

Question. Why did not the others vote these tickets after expressing a willingness to do so?—Answer. Because they were afraid to vote them. Some fellow came up there and said they were voting a regular democratic ticket and scared them out of voting them.

Question. Were any threats of violence made to you or to any of these parties that you have expressed as being willing to vote for Morgan Rawls for this willingness?—Answer. Yes, there was.

Question. Did those threats prevent many of these parties from voting that ticket?—Answer. Yes, they did.

Question. To what political party do the white people of Effingham belong?—Answer. The democratic party.

Question. Are the white and colored people in that county usually on good terms with each other?—Answer. Down about our district they are. I can't tell about the others.

Cross:

Cross-question. Who gave you those tickets you were distributing?—Answer. I got them out of the hands Colonel Rawls. I told Colonel Rawls to get them for me.

Cross-question. How many days before the election did he give them to you?—Answer. About a week.

Cross-question. Were you canvassing for Colonel Rawls about that time?—Answer. No; I was not electioneering for him at all.

Cross-question. To how many precincts did you carry them?—Answer. I carried them to Springfield, and to the tenth district, and no other places.

Cross-question. Who paid you for that work?—Answer. I got no pay at all, sir.

Cross-question. Who told you that Colonel Rawls voted for the fifteenth amendment?—Answer. Colonel Rawls told me so, and I heard others say so, and have never heard it disputed.

Cross-question. Who told these voters that they were voting the regular democratic ticket?—Answer. Bill Kauffman a colored man.

Cross-question. Anybody else that you heard?—Answer. No.

Cross-question. It was true so far as Mr. Rawls' name was concerned that he was a democrat?—Answer. He is a democrat, but was run on the republican ticket.

Cross-question. Who made the threats that you spoke of at Springfield?—Answer. This same man, Bill Kauffman.

Cross-question. Anybody else?—Answer. No one else but him.

Cross-question. What threats did he make?—Answer. He said that if I did not get away with those democratic tickets he would burst my head open.

Cross-question. Did you get away then?—Answer. I did not right then; I went home after a little.

Cross-question. Did you vote that day?—Answer. I did before I went home.

Cross-question. You had distributed the tickets before you went away?—Answer. I had some of them, all that I could.

Cross-question. Was you electioneering for Mr. Rawls?—Answer. No, sir; but was distributing the tickets.

Cross-question. Was Bill Kauffman electioneering for Sloan?—Answer. I do not know whether he was or not.

Cross-question. Was Kauffman electioneering for the republican ticket?—Answer. I do not know. Do not know that he was electioneering for anybody.

Cross-question. Did everybody vote there that day that wanted to?—Answer. I do not know, but don't believe they did.

Cross-question. Did you see anybody that day prevented from voting?—Answer. I did not.

Cross-question. How many democratic colored men are there in Effingham County?—Answer. I do not know, am unable to tell.

Cross-question. Do you know a democratic colored man in Effingham County?—Answer. I do not know one now; but did know one, but he is dead, and that one was Bill Kauffman.

Cross-question. It was a democratic colored man that made the threats on that day?—Answer. It was.

Redirect:

Question. Was not Bill Kauffman, when he made the threats, backed up by a large crowd of men?—Answer. He was.

Question. Was not Bill Kauffman, on the day of said election, distributing republican tickets?—Answer. Yes; he was.

Question. Was it not for your distributing tickets with Morgan Rawls' name on them that Bill Kauffman, backed by this crowd, threatened you?—Answer. Yes, sir.

Question. When you say it was a democratic colored man that made the threats on that day in the last question in the cross, did you mean to say that he was a democrat on that day, or had he been a democrat?—Answer. He had been a democrat all his life, and he could not be a republican just that one day.

Question. Do you mean in the foregoing answer to say that Bill Kauffman was a democrat on the day of that election, or do you mean to say that he was the man who had been a democrat prior to that time?—Answer. I mean to say that he had been a democrat.

Question. Was Bill Kauffman distributing election tickets on that day with Andrew Sloan's name for Congress on them?—Answer. Yes, he was.

[SEAL.] PETER his + mark. ROBERTS.

Sworn to and subscribed before me this the 5th day of April, A. D. 1873.

H. H. SARNETT,
Notary Public, Chatham County, Ga.

SOLOMON S. WERTMAN, sworn, says:

Question. Where do you reside?—Answer. In the village of Whitesville, in Effingham County.

Question. How long have you resided in Effingham County?—Answer. I have resided there all my life; about forty years.

Question. Do you hold any official position in that county?—Answer. I am a notary public and ex-officio justice of the peace.

Question. Did you attend an election in that county on the 5th day

of November, A. D. 1872, when Morgan Rawls and Andrew Sloan were voted for for Congress?—Answer. I did, sir.

Question. At what place did you attend, and in what capacity?—Answer. I attended at Crawford's Mill precinct, tenth district, as one of the election managers.

Question. Were there any colored voters at that precinct at said election? If so, state about how many.—Answer. There were about fifty.

Question. Did you see the election tickets those colored men had in their hands on that day?—Answer. I did—some of them.

Question. Will you please describe the tickets as to their political character, that you saw?—Answer. The tickets were republican tickets in every respect, except that the name of Rawls was on them for Congress instead of Sloan.

Question. Did you hear those colored men express any disapprobation to Rawls' name for Congress being on them?—Answer. I think I did by one mulatto fellow, but don't remember his name.

Question. Did he express this disapprobation in the manner calculated to intimidate the other colored men from voting these tickets with Morgan Rawls' name on them?—Answer. So far as I heard I think it was merely persuasion.

Question. Did the other colored men indicate a willingness to vote the ticket with Rawls' name on them?—Answer. I would say so from the fact that they had the ticket, and heard them urge no objection to it, and not from anything that I heard them say.

Question. Did any of those colored men vote one of said tickets with Morgan Rawls' name on it for Congress?—Answer. Not one of them. I found that Morgan Rawls' name was cut off of every one of them in counting out the votes.

Question. How many colored men voted at that election at said precinct?—Answer. About forty-seven.

Question. Did all of these forty-seven colored men vote these republican tickets with Morgan Rawls' name cut off?—Answer. They all voted the republican tickets with Morgan Rawls' name cut off.

Question. Are you well acquainted with the citizens of Effingham County?—Answer. I suppose I am generally acquainted.

Question. Upon what terms are the two races, white and colored?—Answer. Upon good terms generally.

Question. Do you know anything of Morgan Rawls' popularity among the colored people of that county?—Answer. I think that he is popular enough, and as a man he stands fair.

(Counsel for contestant objects to the above question upon the ground that the question is immaterial, irrelevant, and impertinent.)

Question. From what you know of the colored voters of that county, and of Morgan Rawls' character and popularity, would not a large number of colored voters of that county have supported him in the aforesaid election had not some undue and extraordinary influences and intimidations been brought to bear to prevent those colored men from voting for him in that election?—Answer. I think so.

(Counsel for contestant objects to the whole of the foregoing question upon the ground that it is leading, and the opinion of the witness is asked for instead of facts, and upon the further ground that it is irrelevant.)

Question. Is not the party lash of the republican party usually brought to bear upon the colored people in that county, sufficient to prevent them from exercising and expressing their free will in regard to candidates for different offices?—Answer. If the party lash means this, that certain men come into the county at all general elections, and exercise and use

an influence over the colored voters almost universal, then I answer yes.

(The foregoing question objected to by counsel for contestant, Mr. Sloan, on the ground that the question is leading, and the opinion of the witness asked for instead of facts, and is irrelevant.)

Question. Did you know Bill Kauffman, the colored man that lived in Effingham County prior to and at the time of said election?—Answer. I did.

Question. To what political party did he belong or was affiliated with and electioneering for at the time of said election?—Answer. From his own language it was very hard to tell, but his acts showed that he belonged to the radical republican party.

Question. Was he inclined to be boistrous and overbearing in his conduct toward other colored men who differed with him politically at the said election?—Answer. At the aforesaid election, he was.

(The aforesaid question is objected to by the counsel for contestant, on the ground that the question is irrelevant.)

Cross-examination:

Cross-question. Whose name was substituted on those tickets you spoke of in place of Mr. Rawls, whose name was torn off as you said?—Answer. No one.

Cross-question. Did Mr. Sloan receive any votes in the district or precinct where you resided?—Answer. None.

Cross-question. Did you see any other republican tickets there than those you have mentioned?—Answer. None, sir.

Cross-question. Who presided with you at Crawford's Mill precinct, tenth district?—Answer. Do not remember. It appears to me that it was a man by the name of Crawford. There were two men besides myself, but do not recollect the other man's name.

Cross-question. Were either of the men who held that election with you at that precinct, of the republican party?—Answer. I do not know, but do not think they were.

Cross-question. Were there any United States supervisors that were appointed that served at that precinct?—Answer. I do not know.

Cross-question. Were there any other persons who took part in the management of that election other than the managers you have named?—Answer. There were none.

Cross-question. Was the election at that precinct managed fairly and honestly?—Answer. It was, so far as the holding of the election was concerned.

Cross-question. Were the ballots that were handed by the voters to the managers, and by them deposited in the box, the same that were counted by the managers after the closing of the polls?—Answer. They were.

Cross-question. Was Mr. Rawls' name cut or torn off from the ballots before the ballots were handed to the managers?—Answer. They were cut or torn off before.

Cross-question. What act of fraud on the part of any person, was committed at the polls when you presided, and by whom committed?—Answer. There was nothing that I saw that I could construe into fraud.

Cross-question. What act of undue influence was committed at the polls, when you presided, and by whom, on the day of election?—Answer. I saw none; only what I heard.

Cross-question. What act of intimidation was used at or about the precinct, where you held the election, and by whom committed?—An-

swer. Right immediately at the precinct I heard none, but on my way going to No. 2, on the C. R. R., after I closed the polls, I met a mulatto man, I understood his name was Miller. He said that Peter Roberts was a damned old rascal for handing out those tickets, and that if he ever caught him at No. 2, he would give him a beating for it.

Cross-question. Was Bill Kauffman at the precinct where you held the election, during the day?—Answer. If he was, I did not see him.

Redirect:

Question. To what political party did you claim to belong to prior to and at the time of said election?—Answer. To none.

Question. Did you ever claim to belong to the democratic party?—Answer. I never did, nor never will.

Question. You stated in the cross-examination that Bill Kauffman was not at the precinct where you presided; did you have an opportunity, and did you know from said opportunity at any other time and place of Bill Kauffman's bearing and treatment to the colored men who differed with him upon the political issues and candidates in this campaign?—Answer. Yes, I know that Bill was inclined to be boisterous.

(Counsel for contestant objects to the foregoing question, on the ground that it is irrelevant.)

Question. Of your knowledge, for whom did the white voters of Effingham poll their ballots on the day of said election?—A. For Rawls almost unanimously.

S. S. WERTMAN.

Sworn to and subscribed before me this the 5th day of April, A. D. 1873.

[SEAL.] H. H. SASNETT,
Notary Public Chatham County, Ga.

ROBERT REED, colored, sworn, says:

Question. Where do you reside, and how long have you resided there?—Answer. Effingham County, about thirty-three or thirty-four years.

Question. Are you well acquainted with the colored people of Effingham County?—Answer. I am well acquainted with them.

Question. Who were the candidates for Congress at the election on the 5th of November, 1872, in that county?—Answer. Mr. Morgan Rawls and Mr. Andrew Sloan.

Question. Who was the democratic, and who was the republican candidate at that election?—Answer. Mr. Morgan Rawls was the democratic, and Mr. Andrew Sloan was the republican candidate.

Question. Were either one of those candidates well known to yourself and to the colored voters of said county at the time of said election?—Answer. Mr. Andrew Sloan was a stranger. His name was there, but he was very little known. Mr. Morgan Rawls was known for twenty-five or six years, and knew him well to be a gentleman.

Question. Do you know for whom, Andrew Sloan or Morgan Rawls, a large proportion of the colored voters of that county would have cast their ballots at said election had they have been permitted to exercise their own free will and choice?—Answer. Mr. Morgan Rawls.

(Counsel for contestant objects to the foregoing on the ground that it does not elicit a matter of fact, but the opinion of the witness, and that it is wholly irrelevant and immaterial.)

Question. Whom did you support in that election?—Answer. I was going to support Colonel Rawls, but I did not vote for either one of them.

Question. Why did you not vote for Rawls after supporting him in the campaign?—Answer. When I was going into the court-house to vote I was attacked by a party with revolvers, and I turned back, and on my way home there were two gentlemen with me, Mr. Bill Kauffman and Mr. Howard Young. I carried them home to my house and gave them dinner. I also fed Captain Clark's mule. After they ate dinner, Howard and Kauffman went out on the road a piece and called me out to them. They called me a damned fool and a damned republican. I told them right in the road to take their words back. He said he would not do it. He then turned round and called me a God-damned democrat. I told him it was a pity he had turned to be so good a republican in one day's time.

Question. Were you assaulted at any other time, and prior to said election, by any other parties for advocating Morgan Rawls' claims for that election?—Answer. No, except at the October election. I was speaking and showing how some of our republican friends were taking the bread out of our mouths, when one of my own color drew a revolver on me and was about to shoot me, when Mr. Bill Coursey took the pistol out of his hand.

(Counsel for contestant objects to the foregoing on the ground that it is wholly immaterial and irrelevant, having reference to an election held one month and three days prior to this said election.)

Question. Were you, at the time that you speak of in the preceding answer, when the assault was made and the pistol drawn on you, advocating the claims of Morgan Rawls for Congress, and attempting to show the colored people why they should support him for said position?—Answer. I was.

Question. Was not the pistol drawn, and the assault made upon you, because you were supporting Morgan Rawls, he being a democrat?—Answer. It was.

Question. By whom was this pistol drawn and the assault made?—Answer. Adam Nelson.

Question. Was Adam Nelson backed up and urged on by any other men?—Answer. Yes, sir; I think they were by Oscar Coley and Bill Kauffman.

Question. By whom and how was the affray quelled?—Answer. Mr. Hattie Morgan, the sheriff of Effingham County who arrested Adam Nelson, and took him off in the court-house.

Cross-examination:

Cross-question. What time in the year was this?—Answer. Some time in October, when Mr. Fay and Mr. Grovenstein were running for the State legislature.

Cross-question. What was Adam Nelson's politics?—Answer. I don't think he was much of anything. He claimed to be a republican.

Cross-question. What was Bill Kauffman's politics then?—Answer. He was then a democrat, but he tried to change to be a republican two or three days before the November election, but did not do it before twenty-four hours before the November election.

Redirect:

Question. Whom did Bill Kauffman support for the legislature at the State election, Mr. Foy or Mr. Grovenstein?—Answer. Mr. Grovenstein.

Question. Which one of them was the democratic candidate at that election, Mr. Foy or Mr. Grovenstein?—Answer. Mr. Foy.

Question. Could the colored men of Effingham County have supported

Morgan Rawls at the November election for Congress knowingly without encountering difficulties, and being assaulted and probably injured by men claiming to be members of the republican party?—Answer. They would have done it if they had not have been prevented by threats of assault.

(Objection: Question and answer objected to by counsel for contestant on the ground that the question is leading, and the witness asked for an opinion and not a fact.)

Question. Did threats of violence and fear of personal injury prevent you from voting for Morgan Rawls at said election?—Answer. Yes.

Recross-examination:

Cross-question. Who prevented you from voting?—A. Stephen Nelson and others.

Cross-question. Who were the others?—Answer. Bill Kauffman and Howard Young.

Cross-question. Where was the difficulty?—Answer. Outside of the court-house about thirty feet from the steps, as I was going in to vote.

Cross-question. About what time of day was it?—Answer. About three o'clock.

Cross-question. Was it before or after dinner?—Answer. It was about three o'clock. I do not know whether it was before or after dinner, as I did not get my dinner until night.

Cross-question. Did you take any one with you to dinner on that day?—Answer. No, I did not get home until night on the day Col. Rawles and Mr. Sloan was there.

Cross-question. Did you have a fight, or were you prevented from voting at both the October and November elections?—Answer. No, there was no fighting, but words. I reckon they would have a fight if they had not have been afraid of the white people. They had their pistols drawn. I voted at the October election, but did not at the November election.

Cross-question. How many democratic colored men do you know in Effingham County?—Answer. I know of six or seven, and a good many more that I don't know personally.

ROB'T his ✕ mark. REED.

Sworn to and subscribed before me this 5th day of April, A. D. 1873.

[SEAL.] H. H. SASNETT,
Notary Public Chatham County, Ga.

SAVANNAH, *April 7th*, 1873.

The examination continued by Morgan Rawls, contestee, James Atkins, counsel for contestant, being present.

AUGUSTUS M. MORGAN sworn, says:

Question. Where do you reside, and how long have you resided there?—Answer. Springfield, Effingham County, Ga. I was born and raised in the county, and have been living there about thirty years.

Question. Do you hold any official position in said county? If so, what is that position, and how long have you held the same?—Answer. I am the sheriff of that county, and this is my third year in office.

Question. Then you held that position during the entire year of 1872?—Answer. I did, sir.

Question. Were you present at an election for governor and members of the legislature in October, 1872, at Springfield, in Effingham County?

(Counsel for contestant objects, on the ground that the parties to the present contest were not voted for at the time inquired about.)

Answer. I was, sir.

Question. Was it known at that time who the candidates were for Congress in the first congressional district?—Answer. It was known that Andrew Sloan and Morgan Rawls were running—Andrew Sloan republican, and Morgan Rawls democrat.

Question. Did you see any personal difficulty at the time of the State election above referred to? If so, between whom, and what were the circumstances?

(Counsel for contestant objects, on the ground that the occurrences at the October election have no connection with those at the election held on the 5th day of November last.)

Answer. I did see the difficulty between Bob Reed, colored, and Adam Nelson, colored. Reed was a democrat, and attempting to make a democratic speech at the time, stating to the negroes that it was actually necessary to vote for men that they knew; then referring to Foy and Rawls, he stated they had tried men they knew nothing about long enough, and they had done nothing for them, and Nelson, colored republican, gave him the damn lie. He told Reed that if he did not shut up he would put a ball through him. Adam Nelson was backed by some other negroes. I saw him attempt to draw a pistol, but was where I could not see him draw it—could not see what he had in his hand, but after I arrested him I took the pistol from him. I arrested Nelson immediately and kept him in my custody until he was put under bond.

Question. You say in your foregoing answer that Bob Reed was referring in his speech to Foy and Rawls. Was he speaking in favor of Morgan Rawls for Congress, or against him? He was speaking in his favor; said he, Rawles, had done more for them than their own party had done—their own party would take their votes and money, and they would see no more of them until time for another election.

Question. Did this difficulty and assault prevent Reed from any further remarks?—Answer. It did, sir, so far as I know.

Question. Do you know where Morgan Rawls and Andrew Sloan reside?—Answer. I do where Morgan Rawls resides, in Effingham County. I never knew Mr. Sloan personally, and cannot say positively where he resides. I know of my own knowledge that he does not reside in Effingham County. I do know Morgan Rawls personally, and have known him for the last twelve or fourteen years.

Question. Is Morgan Rawls well known in Effingham County by both white and colored voters?—Answer. He is; he ought to be; he has received every position he has ever asked the county for.

Question. Is Mr. Andrew Sloan well known to the voters of Effingham County?—Answer. He is not; he may be to a few men of the county, but they are very few. To my knowledge he has never been in the county until he came up there during the campaign. He came up then to make some political speeches. I saw him then once.

Question. Who has been the organizer of the republican party and its leader in Effingham County for the last two or three years?—Answer. A colored man by the name of F. D. Butts. I think his name is F. D.

Question. Does he, Butts, reside in Effingham County?—Answer. He

does not; he resides in Savannah. I have heard he was a custom-house officer.

Question. Was Butts representing or supporting Andrew Sloan for Congress?—Answer. He was.

Question. Do you know of any difficulty of a violent character having been perpetrated in Effingham County by the aforesaid Butts? If so, state when was the difficulty, and its character.—Answer. I do; it occurred at Whitesville, on the premises of Colonel Rawls. He and a posse made an attack on some democratic negroes in Colonel Rawls' houses last November two years ago. I will not say positively, but it was the night before the election. I mean that I am not positive as to the month, but am positive that it was the night before the election. I arrested three of the party afterwards—all colored. They all said that Butts was the originator of the difficulty.

Question. Was this difficulty in the early part of the night?—Answer. I think it was about between ten and twelve, but will not be positive as to the time.

Question. Were you at the election held on the 5th day of November, 1872, when Andrew Sloan and Morgan Rawls were voted for for Congress?—Answer. I was at Springfield, at the court-house, in Effingham County.

Question. Did you see any of the colored voters during that day with election tickets in their hands with Morgan Rawls's name, for Congress, on them?—Answer. I did.

Question. In the early part of that day did you hear any dissatisfaction among the colored voters to voting these election tickets with Morgan Rawls's name on them?—Answer. None, sir. Those that had those tickets manifested none.

Question. Upon counting out the ballots were there many of those republican tickets with Morgan Rawls's name on them?—Answer. No, sir.

Question. Why did not those colored men poll those tickets with Morgan Rawls's name on them?—Answer. It was in consequence of fear of some other negroes who were there.

Question. Do you know any democrats who would have voted for Morgan Rawls, for Congress, at the aforesaid November election, who were prevented from voting by being deceived as to the day of said election?

(Counsel for contestant objects on the ground that the persons prevented from voting could give better evidence of the fact than the witness.)

Answer. Yes, sir. I do, in consequence of the day of the election being put down in the almanac one day and the election coming off on another.

Question. Were there many of these men thus deceived?—Answer. Yes; there were a good many of them told me of it, and regretted it very much.

Cross-examination:

Cross-question. Who beside yourself knew at the time of the October election, in 1872, that Andrew Sloan was the republican and Morgan Rawls the democratic candidate for Congress?—Answer. Mr. Rahn, and I cannot state how many more.

Cross-question. Can you state any other person beside Mr. Rahn?—Answer. Dr. Willson. It was pretty generally known. I never talked with a great many. I am not a politician.

Cross-question. When did Andrew Sloan become the republican candidate for Congress, and how?—Answer. I cannot tell when Andrew Sloan was nominated by the republican party, as to the date.

Cross-question. How do you know that he was the nominee of the republican party at the time of the October election in 1872?—Answer. By the speeches of Colonels Atkins and Sims.

Cross-question. When were those speeches delivered?—Answer. I will not be positive as to the date, but think it was prior to the State election.

Cross-question. Were both of those speeches delivered on the same day?—Answer. No, sir. Colonel Atkins made the first speech, and at another time I heard Sims.

Cross-question. Then your knowledge of the fact that Andrew Sloan was the republican candidate is based upon what you heard, and not what you know of your own knowledge?—Answer. I saw that he was the nominee of the republican party in the papers. I take the Savannah papers, both of them—the Morning News and the Republican. I am positive that Sims made the assertion that Sloan was the candidate of the republican party for Congress prior to the State election, but as to the date I am not positive. He (Sims) said in that speech that he would give us a sketch of Sloan that day, but would tell us more about him hereafter, and then announced Grovenstine as their candidate for the legislature.

Cross-question. State on what occasion Sims made this statement. What speakers, if any—if it was at a public meeting—were present?—Answer. It was a political meeting, or called so. There were other speakers there, but their names I do not know, as I did not feel interested in it enough to get acquainted with the gentlemen.

Cross-question. Was Andrew Sloan one of the speakers on that occasion?—Answer. I do not know. I will not be positive, but rather think Andrew Sloan was there.

Cross-question. Will you please state the number or date of the Savannah paper in which you saw the fact stated that Andrew Sloan was the republican candidate for Congress, and the name of the paper?—Answer. I cannot say.

Cross-question. Will you name the month in which the paper was published alluded to?—Answer. I will not be positive, but think it was in September.

Cross-question. When and how did Morgan Rawls become the democratic candidate for Congress?—Answer. He became the candidate by the nomination of the democratic party, at the convention at Blackshear, but as to the date I am not positive.

Cross-question. Were you present when he was nominated at that convention?—Answer. I was not.

Cross-question. State the month in which that convention was held?—Answer. I cannot tell the month, as I did not keep up with these dates.

Cross-question. How far distant were you from the parties when the difficulty occurred between Bob Reed and Adam Nelson, at the October election, in 1872?—Answer. About ten paces. I was near enough to hear the conversation. I expected a difficulty from the threats I had heard made during the day by Adam and his posse towards the democratic negroes.

Cross-question. Please state the conversation which you heard between Bob Reed and Adam Nelson, giving the respective names of the speakers?—Answer. Bob Reed was making a speech to the crowd as to the proper course for them to pursue. He was telling them who they

should vote for; men that they know, speaking of Rawls and Foy. He told them that they had tried men that they did not know long enough, and that they did nothing for them; that they would take their votes and money, and that was the last of them 'till another; to vote for Rawls and Foy; that he, Rawls, had done more for them than their own party. Then Adam Nelson gave him the damn lie; said that he would put a ball through him, and made the attempt to draw his pistol.

Cross-question. Have you stated the entire conversation that took place between Reed and Nelson up to the time last testified about?—Answer. I have, as near as I can, between those two.

Cross-question. Examine the paper which I hand you, (offering the paper,) and inform me what it is; or, if you cannot inform me what it is, inform me what it purports on its face to be?

(Morgan Rawls, contestee, objects on the ground that the testimony does not go to show that any paper has anything to do with the subject matter now under consideration, and on the further ground that the contestant has no right to introduce paper or any other testimony at this state of the case under consideration.)

Answer. It is a warrant based upon an affidavit made by one of the election-managers, James R. Raber, taken out before John D. Grover, justice of the peace of the eleventh district Georgia militia, Effingham County, charging Adam Nelson with carrying a concealed weapon on the election ground, and attempting to draw it on one Bob Reed on the 2d day of October, 1872. The warrant is directed to a constable of said county, and to all lawful officers, to execute and return.

Cross-question. Please state whether any return was made upon that warrant; and, if so, by whom, and where?

(Contestee, Morgan Rawls, objects on the ground that it is not in rebuttal of any testimony brought out for Morgan Rawls, contestee, and that it is irrelevant, the warrant having nothing to do with this case.)

Answer. There is a return made by myself, A. M. Morgan, reading thus:

"I have this day served the within warrant by arresting the body of Adam Nelson this October 2d, 1872. (Signed) A. M. MORGAN, *S. E. C.*"

Cross-question. Please state in what county, if you know, James R. Rahn and Adam Nelson resided at the time the warrant you speak of was issued, and where they have resided since that time?—Answer. They lived in Effingham County at the time the warrant was issued. James R. Rahn still resides in the county. Adam Nelson has gone to parts unknown to me.

Cross-question. When was the next superior court of Effingham County held after October 2, 1872?

(Contestee, Morgan Rawls, objects on the ground that the question is irrelevant.)

Answer. The second Monday in November, 1872.

Cross-question. Please state if any true bill was obtained at that court against Adam Nelson, the party charged in the warrant you are talking about, and whether any bench warrant has ever been placed in your hands, as sheriff of Effingham County, directing you to arrest Adam Nelson upon the charge named in the affidavit you have described?

(Contestee, Morgan Rawls, objects on the ground that the question is irrelevant.)

Answer. Yes, sir; there was a true bill obtained, a bench-warrant issued, but never has been returned to me, as sheriff of Effingham County, for the reason that his bondsmen are responsible for his return

to court. The court gave his bondsmen until the spring term, 1873, to return him.

Cross-question. Who became his bondsmen when arrested upon this warrant?—Answer. Edwin E. Foy, a brother of the member of the legislature.

Cross-question. Before whom was Adam Nelson carried for commitment upon the warrant you have described in this examination?—Answer. He waived trial before J. D. Grover, justice of the peace, for commitment, and gave bond to appear before the superior court.

Cross question. Upon whose motion in court was his bondsmen given until the April term to produce the body of Adam Nelson?—Answer. I do not know.

Cross question. Do you know, of your own knowledge, that the court gave any such direction?—Answer. I do not. I am only telling what the solicitor told me.

Cross-question. Have you seen the true bill found by the grand jury?—Answer. I did not see it; I heard it read.

Cross-question. Who read it?—Answer. The solicitor.

Cross-question. What is the name of the solicitor?—Answer. A. B. Smith.

Cross-question. On what occasion did he read it?—Answer. On the return of the grand jury from their room in open court.

Cross-question. On what day of the court?—Answer. On the first day.

Cross-question. Can you state how many true bills were found at that term of the court?—Answer. There were two; one against Adam Nelson, and the other against a white man whom I have under arrest now for an assault upon a negro man.

Cross-question. Was a bench-warrant issued for the arrest of this white man and placed in your hands?—Answer. There was.

Cross-question. Was there any bench-warrant issued against Adam Nelson?—Answer. There was.

(Contestee, Morgan Rawls, objects to all the foregoing questions and answers in reference to the findings of the grand jury and any warrants that may have been issued thereupon, on the ground that they are irrelevant to the case of contest, Andrew Sloan *vs.* Morgan Rawls.)

Cross-question. Please state the politics of the solicitor-general, A. B. Smith?—Answer. He is a democrat, so far as my knowledge goes.

Cross-question. What are the politics of James R. Rahn, who makes the affidavit you have shown against Adam Nelson?—Answer. He is a conservative. He has never been a democrat to my knowledge.

Cross-question. To what political party do you belong yourself?—Answer. I am a conservative. I usually vote for the man and not the party.

Cross-question. Who was the gubernatorial candidate at the October election of last year on the conservative ticket?—Answer. James M. Smith, the present governor of Georgia.

Cross-question. Who was the conservative candidate for the legislature at the October election of last year, in your county?—Answer. I claim Chris Foy.

Cross-question. Who was the conservative candidate for Congress at the election held on the fifth day of November, 1872?—Answer. I claim Rawls.

Cross-question. Who was Bob Reed talking to when he said Rawls had done more for them than their own party had done?—Answer. He was speaking to a crowd; no one particularly.

Cross-question. Of what class of people was that crowd composed?—Answer. He was speaking to the colored people, though the crowd was mixed with whites.

Cross-question. How did he come to make that declaration?—Answer. Because he saw it was necessary to make it, I suppose. He said he wanted to make a speech to them.

Cross-question. These people to whom he was speaking did not, then, belong to the same party as the one on which Colonel Rawls was a candidate?—Answer. The colored people belonged to the republican party except Bob, who claimed to be a democrat.

Cross-question. Bob Reed was then trying, at the time of this difficulty about which you have testified, to persuade colored republicans to vote for Colonel Morgan Rawls, was he not?—Answer. He told them to vote for men that they knew. Rawls and Foy were then running for office. He said he (Rawls) had done more for them than their own party.

Cross-question. Where did this difficulty, as you have denominated it, occur?—Answer. Immediately in front of the court-house steps, about five paces distant, in Springfield, Effingham County.

Cross-question. How long had Bob Reed been there at that place before the difficulty commenced?—Answer. Ten minutes, I suppose. He had been there off and on all day.

Cross-question. Did he go to where the crowd was or did they go to where he was?—Answer. He commenced speaking to a few and the crowd gathered to where he was.

Cross-question. Did you never see Andrew Sloan in Effingham County but once?—Answer. Not to know him but one time. I would not have known him then but for the fact of his having been introduced to Mr. Rahn in my presence.

Cross-question. Was that before or after the October election?—Answer. I will not say positive whether it was before or after the October election.

Cross-question. Do you swear that F. D. Butts organized the republican party in Effingham County?—Answer. I will not swear that he was the organizer of the party, but will swear he has been the leader of that party for the last two or three years. He has kept the party up.

Cross-question. Has he for the time you have named been the sole leader of the party?—Answer. He has been the principal leader.

Cross-question. Do you know of your own knowledge that he represented Andrew Sloan in that or any other county?—Answer. I do in Effingham. I heard him speak that way.

Cross-question. In what matter did he represent Andrew Sloan, and upon what authority?—Answer. Upon the authority of his party, I suppose. I heard him speaking to the negroes, urging them to vote for Sloan for Congress; telling them how to vote; telling them to fall in line, take the tickets and go right up and vote, and not to pay any attention to the white men—the democrats.

Cross-question. Is he the only man who you ever knew to do this?—Answer. They have different clubs, different negroes to carry out his instructions not only for Sloan but for other republican candidates.

Cross-question. Were you present at the difficulty in which Butts was engaged on Colonel Rawls' premises two years ago, at its commencement?—Answer. I was not.

Cross-question. Do you know, of your own knowledge, that Butts originated any such difficulty?—Answer. Not of my own knowledge, only what we proved. The parties all testified to the same thing.

Cross-question. Did you see him or hear him say or do anything at the time of the commencement of the difficulty?—Answer. No, sir.

Cross-question. Please state how you know that colored men did not poll tickets with Mr. Rawls' name on them in consequence of fear?—Answer. From the facts that I heard the threats made, saw the negroes with the tickets, heard them say afterwards that was the reason, and in counting out the ballots his name was off.

Cross-question. Please name these negroes who stated that they were deterred from voting for Morgan Rawls by reason of fear?—Answer. I can tell you one of the parties. It was Bob Reed.

Cross-question. Name some other one.—Answer. I cannot name them.

Cross-question. Describe some of the others.—Answer. I cannot do it. I do not know how to describe a negro. I know they were black.

Cross-question. How many were there?—Answer. I did not keep an account of them. I know there were a good many.

Cross-question. Whom did they tell that they were prevented from voting for Morgan Rawls?—Answer. I have said they told me so.

Cross-question. How did they come to tell you?—Answer. Just in a general way of conversation, I suppose to apprise me of the fact that these threats were out, as it was my business to suppress all difficulties.

Cross-question. When did they tell you?—Answer. During the day of the election and since.

Cross-question. Did they all tell you at one time?—Answer. No.

Cross-question. Who was present when any one of them stated this to you?—Answer. I do not know. I do not remember.

Cross-question. Was it during the progress of the election or after the polls were closed?—Answer. Both, sir.

Cross-question. How many told you during the progress of the election?—Answer. I did not count them. I do not know.

Cross-question. Were there as many as five who named this thing to you before the polls were closed?—Answer. I did not keep any account.

Cross-question. Did you know these men?—Answer. I knew one of them by name, but did not know the others.

Cross-question. Did Bob Reed come to you and inform you of this before the close of the polls?—Answer. No, sir. He told me that had been threatened, and has told me since that his life had been threatened.

Cross-question. Do you know that any of these persons that told you that they had been deterred from voting in consequence of fear did or did not vote at the November election in 1871?—Answer. I know that they told me so, and I know that Rawls' name was not on the tickets when they were counted out.

Cross-question. Do you know what tickets these identical persons who told you they had been deterred from voting by reason of their fears, did actually cast that election?—Answer. I know it from what they told me, and from the counting out of the ballot.

Cross-question. Were these persons present at the counting out of the ballots to point out each, the particular ballot that he had placed in the ballot-box?—Answer. No, sir. But part of the tickets were called with Rawls' name torn off.

Cross-question. Do you know that the particular ballots that were found upon counting out to have the name of Morgan Rawls torn off, had been polled by the very same persons who told you they had been prevented from voting?—Answer. These were different tickets. The regular republican ticket was a large yellow ticket, and the republican ticket with Rawls' name on it was a small white ticket. These white tickets

were the ones these people voted, with Rawls' name torn off. I saw these tickets in their hands, and they told me they were compelled to tear Rawls' name off before they could vote them, on account of threats, and there were a good many who told me they could not vote at all.

Cross-question. Were there no other small white tickets with the regular republican candidates on them with Morgan Rawls' name on the bottom, on the court-house grounds that day except those which the men had who told you they could not vote for Rawls in consequence of fear?—Answer. There were none of that kind.

Cross question. How do you know that the tickets that were counted out were the same that you saw in the hands of these negroes?—Answer. They were the same kind of ticket.

Cross-question. Do you know of your own knowledge that these scared negroes polled the identical tickets that you saw taken out of the box with Rawls' name torn off?—Answer. Those negroes told me they voted these tickets with Rawls' name torn off, and I saw such counted out.

Cross-question. Do you know for what presidential electors or for what candidate for Congress Bob Reed and the other negroes whom you have said told you they were deterred from voting on that day did vote? Answer from your own knowledge.—Answer. Bob Reed did not vote at all so far as my knowledge goes, and some of the others did not vote, and so far as my knowledge goes some of the others did vote.

Cross-question. Who were the others that you refer to?—Answer. I don't know them.

Cross-question. Do you mean white people or negroes?—Answer. I mean negroes.

Cross-question. What particular negroes do you refer to when you use the word others?—Answer. What I mean by others were those that voted.

Cross-question. Did Andrew Sloan or any one in his interest so deceive any one as to cause him to fail to know the day on which the election was to be held in November last?—Answer. Not that I know of

A. M. MORGAN.

Sworn to and subscribed before me this 7th day of November, A. D. 1873.

[SEAL.]

H. H. SASNETT,
Notary Public, Chatham County, Georgia.

JOHN OSGOOD PARKER, sworn, says:

Question. Where do you reside and how long have you resided there?—Answer. In Liberty County, Georgia; have resided there twenty-eight years; was born and raised there.

Question. Did you attend an election on the 5th day of November, 1872, when presidential electors and a member of the Forty-third Congress were voted for?—Answer. Yes, sir,

Question. At what place?—Answer. At the Riceborough precinct, in Liberty County, Georgia.

Question. Who were the candidates for Congress at that election?—Answer. Andrew Sloan and Morgan Rawls, I believe.

Question. Which one was the democratic, and which one the republican candidate?—Answer. Rawls was the democratic and Sloan the republican.

Question. Did you vote at that election?—Answer. I did not.

Question. Why did you not vote?—Answer. We were prevented—or I was prevented—by a crowd of negroes standing in and around the door. I did not feel disposed to be mashed and squeezed to death by them, even if nothing else had happened.

Question. Did you make the effort to get in and vote?—Answer. I made the effort as far as this: I went up as far as the crowd, and seeing how they were carrying on—scrouging, pushing back, climbing over one another—I returned back to the store, where my horse and buggy were.

Question. For whom would you have voted for Congress had you been permitted to have cast your ballot?—Answer. For Morgan Rawls.

Question. Do you know of any other persons who went to said election and would have voted for Morgan Rawls for Congress had they not been prevented?—Answer. Yes; I cannot state; there were several to my knowing. There were several tickets written by Tho's M. Bacon, with Morgan Rawls' name on them. The tickets were taken up and distributed, but cannot say whether they were voted or not.

Question. Were these tickets distributed by any party or were they taken up by different parties as they were written?—Answer. Some were taken from the counter as they were written, and some were distributed by different parties.

Question. Those that were taken up from the counter—were they taken up by one man, or by different persons?—Answer. They were taken up by different persons.

Question. Did the persons to whom these tickets were given you have described indicate a willingness to poll the same?—Answer. Yes; from what I saw, they were trying to get in to vote them.

Question. Do you know, of your own knowledge, that any person voted at Riceborough on the 5th day of November, 1872?—Answer. I do not. I never got to the polls to see.

Cross:

Cross-question. Who were the managers at the Riceborough precinct on the 5th day of November, 1872?—Answer. I do not know. I could not get into the polls to see.

Cross-question. About what time of the day was it when you got to the polls?—Answer. I think it was about half-past eleven, and I staid until about two or three o'clock.

Cross-question. Was any violence offered you at the polls, or were you prevented by other voters crowding up to vote?—Answer. There was no violence offered, as I know of. There was a crowd around the door. I do not know whether they were voters or not, but they were there all the time I staid.

Cross-question. Do you swear that it was impossible for you to vote at Riceborough on the 5th day of November?—Answer. I do not suppose that it was impossible, but I did not feel disposed to be mashed and scrouged and pulled and hauled to get to vote; and moreover there was a negro standing in the door calling what I supposed to be a roll. I supposed they were voting by names as they came on the roll, and were called by this negro.

Cross-question. What was the name of this negro?—Answer. I do not know his name.

Cross-question. Did you not retire from the polls because it was distasteful to you to press in among the negroes in order to vote at your turn?—Answer. I do not think my turn ever came.

Cross-question. What time did you leave there?—Answer. About two or three o'clock.

Cross-question. Were the negroes still crowded around the doors when you left the election ground?—A. Yes; they were still crowded around when I left.

Cross-question. Did you make an effort to get to the polls to vote on that day?—Answer. I made an effort to get there so far as this: I went to the crowd and saw two men trying to get in; saw the crowd mashing and crowding them until I left, and they had not got in; consequently I made no further effort to get in.

Cross-question. Were those who were crowding endeavoring to keep other persons out, or merely to get in themselves?—Answer. I do not know. They were crowding around the door, but can't say whether they were trying to keep others out or trying to get in themselves.

Cross-question. It would have been very distasteful to you, would it not, to press in among the negroes in order to get in to the polls?—Answer. It would have been to get into that crowd.

Cross-question. Do you not think you could have held your own in the crowd, but for the distasteful idea of crowding and mixing with the negroes?—Answer. I could have, probably, held my own by being mashed and squeezed and rubbed on as those were who did try. Not trying to hold my own, I could not positively say.

Cross-question. How many voting-places are there in the county of Liberty?—Answer. Two, sir, I believe, in the fifteenth district—Riceborough and Hinesville. There may be more in the county.

Cross-question. How far do you reside from Riceborough?—Answer. It is called six miles.

Cross-question. How far do you reside from Hinesville?—Answer. I believe it is called sixteen or seventeen miles.

Cross-question. Is Riceborough between your house and Hinesville, or how is your house situated in reference to the two?—Answer. In going from my house to Hinesville, I leave Riceborough on my left.

Cross-question. Do you ever vote at Hinesville.—Answer. Yes.

Redirect:

Question. You speak in your cross-testimony of a man being at the door and calling what you supposed to be a roll; was that a white man or a negro?—Answer. It was a negro.

Question. Did he call your name?—Answer. I never heard him call my name.

Question. Did you hear him call the name of any white man?—Answer. None that I know.

Question. Did you apprehend that any personal difficulty might occur or that you would have been in danger of being insulted and injured by trying to press your way through the crowd?—Answer. I do not know that I apprehended any danger, as I had no idea of being mashed and crowded by those negroes. I would not have done it to have voted for my brother for President of the United States.

Question. Had you undertaken to have pressed your way through this crowd, and had you been mashed and squeezed in the manner you speak of, would not a difficulty probably have ensued?—Answer. I think there would.

Question. Then you are disposed to keep out of personal difficulties?—Answer. I am, sir.

Question. What is the name of the town in which the court-house in Liberty County is situated?—Answer. Hinesville.

Question. Is the court-house and Riceborough in the same militia district?—Answer. Yes, sir; I think both of them are in the 15th district.

Recross:

Cross-question. What makes you think that a difficulty would have ensued in case you had made an effort to reach the polls and have been mashed and squeezed in the manner spoken of?—Answer. A man might have mashed against me and I would have shoved him off; then, again, I might have mashed against some man and he might have shoved me off, or in trying to get in I might have stepped on some man's foot, or some man might have stepped on my foot, and have caused a difficulty in that way.

Cross-question. Was the crowd peaceable or inclined to create a disturbance, so far as you were able to observe?—Answer. I did not hear of any difficulty, as there was no one to make a fuss with but themselves, only two who were trying to get in.

Cross-question. Do you know when the polls opened or when they were closed at Riceborough?—Answer. I do not. They were opened when I got there, and they were not closed when I left there I reckon, as they were crowding around there, and they were said to be voting.

J. O. PARKER.

Sworn to and subscribed to before me this the 7th day of April, A. D. 1873.

[SEAL.] H. H. SASNETT,
Notary Public, Chatham County, Georgia.

PHILIP TERRY sworn, says:

Question. Where do you reside, and how long have you resided there?—Answer. In Liberty County, State of Georgia; have resided there since the 3d day of August, 1871.

Question. What is your age?—Answer. About forty-seven.

Question. Have you repeatedly voted in the State of Georgia?—Answer. I have.

Question. Did you attend an election on the 5th day November, 1872, when presidential electors and a member of the Forty-third Congress were voted for?—Answer. I did.

Question. At what place did you attend?—Answer. Riceborough, Liberty County.

Question. Who were the candidates at that election? Which the democratic, and which the republican?—Answer. Morgan Rawls was the democratic, and Andrew Sloan the republican candidate.

Question. Did you vote at that election?—Answer. I did not.

Question. Why did you not vote?—Answer. Because I could not get to the polls for the crowd of negroes that was around where they said the polls were.

Question. Did you make an effort to vote?—Answer. I did.

Question. For whom did you intend to vote for Congress, and whom would you have voted for if you had been permitted to cast your ballot?—Answer. Morgan Rawls.

Question. Were there any other persons at said election who would have voted for Morgan Rawls had they been permitted, who were prevented in the manner described in your case?—Answer. I believe that every white man, nearly, in Riceborough would have voted for Morgan Rawls, had they been permitted to have got to the polls.

Question. Were there many of those persons who were thus prevented who would have voted for Morgan Rawls?—Answer. A good many.

Question. Did you see them with election tickets with Morgan Rawls on them, and did you hear them express a desire to poll said tickets?—Answer. I saw some with tickets with his name on them, and heard others say they were waiting to get some written with his name on them which they would vote if they could get to the polls.

Question. You say there were a good many of these persons; are you certain that there were more than three?—Answer. I am.

Question. Did you know of any other voting-place near Riceborough on day of said election?—Answer. I did not.

Question. How far do you live from Riceborough?—Answer. Said to be six miles.

Question. Do you really know, of your own knowledge, if there was an election held at Riceborough on the day of said election, at which votes were polled?—Answer. I do not.

Question. Why do you not know this when you were present and attempting to cast your ballot?—Answer. I did not get near enough to see the polls if they were there.

Question. What prevented you from getting there to see the polls?—Answer. The negroes crowded around the house where they said the polls were, so that I thought it was impossible to get in to see it.

Question. Do you know if any white man got in to said house on the day of said election?—Answer. I do not.

Cross-examination:

Cross-question. What time in the day did you reach Riceborough on the 5th day of November, 1872?—Answer. About twelve o'clock.

Cross-question. What time did you leave there?—Answer. About three o'clock.

Cross-question. Were the negroes crowding around the polls when you left?—Answer. They were crowding around the house in which the polls were said to be held.

Cross-question. About how many negroes were in that house in which the polls were said to be?—Answer I would think three or four hundred.

Cross question. Do you swear that it would have been impossible for you to have voted on the fifth day of November, at Riceborough, if you had been at the polls from the legal hour of opening until the legal hour of closing the polls?—Answer. I do not.

Cross-question. Might you not have gone to Hinesville to have voted had you have been there so to do?—Answer. Not after I had found out that I could not vote at Riceborough.

Cross-question. Were you prevented from voting in consequence of fear or from the distaste you felt to mingling and crowding among the negroes that were about that house where the polls were supposed to have been situated?—Answer. I was prevented from voting by believing that I could not get to where the polls were said to be held.

Cross-question. Did you attempt to get to the polls through the crowd? Answer. I did.

Cross-question. Were you pushed out of your place?—Answer. I was stopped because I could not get any further through the crowd.

Cross-question. Did you take your place in the line with those approaching where the polls were said to be or did you attempt to press by others who were ahead of you?

(OBJECTION.—Morgan Rawls, contestee, objects on the ground that the testimony in no place shows "the line" spoken of in the question.)

Answer. I saw no line approaching the place nor I did not see any chance for a man to get to the place.

Cross-question. Did none of the negroes enter the house?—Answer. I saw some standing in the door.

Cross-question. Did you see any negroes enter the house in which the polls were said to be situated?—Answer. I do not know that I did, for I could not well see the door for the crowd.

Cross-question. How near were you to the door at any time?—Answer. I suppose about thirty feet.

Cross-question. How long did you remain at that distance from the door?—Answer. I do not recollect, not very long.

Cross-question. What time in the day were you at that distance? Answer. About two o'clock.

Cross-question. Where had you been from the time of your arrival at Riceborough up to two o'clock?—Answer. I think the most of my time I had been near where the polls were said to be.

Cross-question. Are you certain you had been near there during those two hours, from twelve until two o'clock?—Answer. I am not.

Cross-question. Where else were you beside near the polls during those two hours, from twelve until two o'clock?—Answer. I went up into Riceborough, and was at the picture gallery which was the place.

Cross-question. How near was the picture-gallery to the house in which the polls were said to be held?—Answer. I expect about one hundred feet.

Cross question. Do you swear that it was not over thirty-three yards? —Answer. I do not. I did not measure it.

Cross-question. Are you not very certain that it was over a hundred feet?—Answer. I am not.

Cross question. How long were you in the picture-gallery?—Answer. I don't know that I was in it five minutes.

Cross-question. Were you at the polling place all the whole of the two hours from twelve until two, except the time you were at the picture-gallery?—Answer. I was not.

Cross-question. Where else were you at the other time?—Answer. I was up to the store in Riceborough.

Cross-question. How long did you remain there?—Answer. Not very long. I can't give any idea about how many minutes.

Cross-question. Please state as near as you can about the time you were about the store?—Answer. About fifteen or twenty minutes.

Cross-question. Where else were you besides those places you have already named, during these two hours from twelve until two?—Answer. I do not believe that I was at any place besides around and about where the polls were said to be held.

Cross-question. Where were you from two o'clock until the time you left Riceborough?—Answer. I do not remember of being at any place except around and about where the polls were said to be. I had my ticket and was awaiting an opportunity to vote.

Cross-question. Do you know of your own knowledge that the other persons you have named as expressing a desire to vote did not vote during the day of the fifth of November, 1872, for a candidate for Congress?—Answer. I do not; but they appeared as anxious to vote as I did. Several of them had their tickets in their hands as I did in my presence.

Cross-question. Do you swear that it would have been impossible for you to vote at any time between the hours of opening and closing the

polls at Riceborough?—Answer. I do not. But I do swear that I think it was impossible for me to get into the house where the polls were said to be held without a great deal of trouble.

Cross-question. You mean to say, do you not, that you think it was impossible without great trouble to reach the place where the polls were said to be during the time only when you were near this place, and not when you were away?

(Morgan Rawls, contestee, objects on the ground that the question is leading.)

Answer. I think it was the case all the time, from what I heard.

Cross-question. Do you, of your own knowledge, know anything about what were the chances for voting at the place in question before twelve o'clock, when you say you arrived in Riceborough, and after you left there?—Answer. I do not.

Redirect:

Question. Were you not apprehensive that some personal difficulty might have occurred had you have undertaken to have pressed your way through the crowd in the manner that would have been necessary for you to have gotten through it?—Answer. I was.

Recross:

Cross-question. Was not the crowd of negroes about the supposed polling place at Riceborough on the fifth day of November, 1872, entirely good-natured and peaceable so far as your observation extended?—Answer. I did not consider them so.

Cross-question. What reason had you to consider them otherwise?—Answer. I heard them cursing and talking loud and cursing each other.

Cross-question. Did you feel that there was any danger of a serious disturbance?—Answer. I did. If there was a fuss commenced, I was afraid of a serious difficulty.

Cross-question. Did you see or hear anything of a personal difficulty between any democrat or republican on that day?—Answer. None that I remember.

Cross-question. Did you see or hear any hostile demonstration on the part of the negroes on that day towards the democrats?—Answer. I think not.

Redirect:

Question. To what race do you, Mr. J. O. Parker, and the other persons you spoke of having the tickets with Morgan Rawls name on them belong?—Answer. The white.

PHILIP TERRY.

Sworn to and subscribed before me this 7th day of April, A. D. 1873.
[SEAL.] H. H. SASNETT,
Notary Public, Chatham County, Georgia.

SAVANNAH, GA., *April* 8, 1873.

The examination continued by Morgan Rawls, contestee.

W. W. PAINE, sworn, says:

Question. Where do you reside?—Answer. Savannah, Ga.

Question. How long have you resided there?—Answer. Since 1865.

Question. Savannah is in the first congressional district?—Answer. Yes.

Question. What is your age?—Answer. I am nearly fifty-three.

Question. What is your calling?—Answer. I am an attorney-at-law.

Question. Do you hold or have you held any official position in the first congressional district?—Answer. I have been a notary public and ex-officio justice of the peace for Chatham County, and I did represent the first congressional district in the Forty-first Congress, and have been the democratic supervisor of election for Savannah polling place for President and Vice-President and a member of Congress, on the 5th of November last, and am now county commissioner for Chatham County without pay.

Question. Are you acquainted generally with the political status and the voters of the first congressional district of Georgia?—Answer. I am acquainted with a good many of the counties, but there are some that I do not know.

Question. When were you elected a member of the Forty-first Congress?—Answer. In December, 1870.

Question. Did you visit the different counties of the first congressional district during that campaign?—Answer. I visited some of the counties.

Question. What is the character of the people of the first congressional district as to law and order?—Answer. Their character is good, so far as I know.

Question. On what terms are the two races, white and colored, in the district?—Answer. In the portion where I have been they are on very good terms.

Question. By what political party were you nominated for the position of member of Congress?—Answer. By the democratic party.

Question. Did you have an opponent for that position? If so, state who he or they were, and to what political party did he or they belong?—Answer. I had two opponents, Richard W. White, colored, and Aaron Alpeoria Bradley, colored, both said to be republicans.

Question. Did you get a majority of votes over the votes of both of your opponents?—Answer. Yes.

Question. Has there been any other election held in the first congressional district for a member of Congress since the election at which you were elected a member of Congress until the election held on the 5th day of November, 1872?—Answer. No; there has been no election.

Question. Do you know at what places in Chatham County elections were held at the time you were elected a member of Congress?—Answer. At the court-house and at King Thomas's office in the city of Savanah. I do not remember any other places.

Question. Is the court-house and King Thomas's office that you speak of both in the city of Savannah?—Answer. Yes.

Question. Who were the candidates for Congress at the election held on the 5th day of November, 1872, in the first congressional district of Georgia?—Answer. So far as I know, Andrew Sloan, esq., and Morgan Rawls, esq., were candidates.

Question. Which one was the democratic candidate, and which one the republican candidate?—Answer. Mr. Sloan was the republican and Mr. Rawls the democratic candidate.

Question. Can you state when Mr. Sloan and Morgan Rawls became candidates?—Answer. Mr. Rawls was nominated by the democratic party at Blackshea, in September, 1872, I think, and I think Mr. Sloan was the candidate at that time of the republican party, and had been then nominated by them.

Question. Are you well acquainted with Andrew Sloan, esq., and

Morgan Rawls, and do you know of the extent of their acquaintance through the first congressional district?—Answer. I am well acquainted with both Mr. Morgan Rawls and Mr. Sloan. Mr. Rawls was born in the first congressional district, I think. I do not know the extent of their acquaintance in the district.

Question. Did you attend the election on the 5th day of November, 1872, when Andrew Sloan and Morgan Rawls were voted for for Congress; if so, when did you attend and in what capacity?—Answer. I did attend the election at the court-house in Savannah; was the democratic supervisor, as before stated, and supervised two of the ballot-boxes. I supervised one of the boxes, and the other partially, as near as I could. There were five boxes there at the time. I supervised two of the boxes as well as I could, but the others I was unable to supervise.

Question. Was that election conducted as is usual for elections to be conducted at the court-house in Savannah?—Answer. At the box I supervised it was conducted as fair as any election, and at the other the same as far as I could judge. And as far as I know the whole election was conducted as usual at the court-house.

Question. You know of no voter legally entitled to vote who was prohibited from voting at said election?—Answer. I know of none of my own knowledge who was prevented from voting who complied with the law.

Question. Are you acquainted with John R. Bachlott, of Chatham County?—Answer. I know him from character. I do not think I know him personally; I may, though. I think I have corresponded with him, and I have heard a good deal of him.

Question. What is his character for integrity and veracity?—Answer. He has been represented to me as a man of good character, and I have no reason to doubt it. He belongs to one of the old established families of the sea-board of Georgia.

(Counsel for contestant objects to the first twenty-three questions and answers in the testimony of this witness, upon the ground that the foundation has not been laid for the introduction of the same by any corresponding allegations in contestee's answer to notice and grounds of contest of contestant, and upon the further ground that it is irrelevant to the issue in this case. He also objects to the remaining questions and answers of this witness upon the grounds last named.)

Cross-examination:

Cross-question. How many ballot-boxes were used at the court-house at the election on the 5th day of November, 1872, at the same time for the receiving of votes?—Answer. I think there were four. They were established for convenience, so that everybody could have a chance to vote.

Cross-question. How many supervisors were in attendance at the court-house at the time we are talking about?—Answer. There were two (sub, I think) supervisors, and Colonel Stone who was chief supervisor for the southern judicial district of Georgia, who was in attendance for some time during the day.

Cross-question. Was the first congressional district composed of the same counties at the time the parties to this contest were voted for as it was when you was a candidate for Congress in 1870?—Answer. It was not. Some of the counties were taken out and one county added—the county of Burke.

(Morgan Rawls, contestee, objects to the foregoing question and answer, on the ground that contestant's ground of contest in no place lays

the foundation for the question, and on the further ground that it is a matter of history which can be obtained, it being higher and better evidence.)

W. W. PAINE.

Sworn to and subscribed before me this 8th day of April, A. D. 1873.
[SEAL.] H. H. SASNETT,
Notary Public, Chatham County, Ga.

Morgan Rawls, contestee, here offers in evidence a letter dated Center Village, Charlton County, Ga., December 2, 1872, addressed to Col. James M. Arnou, Saint Mary's, Ga., and signed John R. Bachlott, all of said letter being placed in evidence, except the postscript. Said letter marked Exhibit H. H.

Counsel for contestant objects to this letter because contestee has not included it in his notice to take depositions at this time, because this letter is the statements made not under oath, and because there is no warrant for its introduction in contestee's answer.

Contestee also offers in evidence copies of the precinct returns of Liberty County of the election held the 5th day of November, 1872, to wit: Hinesville, (court-house,) the 1132 district; Taylor's Creek, (17th district;) the 24th district, Georgia Militia; the 16th district, and records, with the certificate of the secretary of state thereunto attached, all marked Exhibit I I.

Counsel for contestant objects to Exhibit I I, upon the ground that the number of sheets contained in the exhibit does not agree with the number stated in the certificate of the secretary of state attached thereto, and because there is no evidence that the certificate of the secretary of state written upon legal cap paper attached to the back of the, other papers in any wise relates to the papers to which the same is attached.

Contestee also offers in evidence a statement of the election held on the 5th day of November, 1872, in the first congressional district of Georgia, for a member of the Forty-third Congress, made by the secretary of state, N. C. Barnett, at the office of the secretary of state, Atlanta, Ga., April 3, 1873, with the certificate of the secretary of state, N. C. Barnett, and seal of the State thereunto attached, showing the statement of the regular returns as made up by the consolidating managers of the aforesaid election. Also a statement of the irregular returns of the aforesaid election, returned to the office of secretary of state up to the date of April 3, 1873, marked Exhibit K K.

[SEAL.] H. H. SASNETT,
Notary Public, Chatham County, Georgia.

A.—*Answer to notice and grounds of contest.*

To Andrew Sloan, contestant in an election held on the 5th day of November, A. D. 1872, for a member to represent the first congressional district of Georgia in the Forty-third Congress of the United States:

SIR: I deny the allegations and claims as specifically set forth by you in your grounds of contest of an election held on the 5th day of November, A. D. 1872, in the counties composing the first congressional

district of Georgia, for a member to represent said district in the Forty-third Congress of the United States, and in which I am returned and declared elected as a member to the Forty-third Congress of the United States. I shall claim all the rights and privileges of a contestee under the laws of the United States, and such other laws as may be applicable in such cases in this contest.

I claim that I was fairly and legally elected a member of the Forty-third Congress of the United States, at an election held on the 5th day of November, 1872, at the legal voting-places in the counties composing the first congressional district of Georgia, as is fully shown by a reference to the consolidated legal returns of election now of file in the secretary of state's office, at the capitol in Atlanta, Ga., and by a proclamation issued by his excellency James M. Smith, governor of Georgia, at the capitol in Atlanta, Ga., on the 26th day of November, 1872, declaring and proclaiming me duly elected as Representative of the first congressional district of Georgia, in the Forty-third Congress of the United States. And by a commission or certificate, issued to me by his excellency James M. Smith, governor of the State of Georgia, investing me with all the power, rights, and privileges, as far as in him lies, as a duly elected member of the Forty-third Congress of the United States, I obtained and claim my election as member of Congress, under and by the laws of the State of Georgia, as are for such cases made and provided. I hold and shall insist, that any election held, or claimed to have been held, at any place or places within the first congressional district, on the 5th day of November, 1872, for a member of Congress, that is or are not recognized as legal precincts by the lawful authorities of the counties in which such elections were claimed to have been held, to be illegal, null and void, and should not be counted, but should be rejected and wholly disregarded. I further hold and shall insist upon the rejection and disregarding of all election-returns that failed or were not received at the respective court-houses in the counties composing the first congressional district, for consolidation within the time prescribed by law. I shall further insist upon the rejection and disregarding of all votes and election-returns that are not in conformity with law; and charge as follows:

1. That you and your political adherents premeditated, concocted, and designed this contest prior to and on the day of election, held on the 5th day of November, 1872, in the first congressional district of Georgia, at which I was elected a member of the Forty-third Congress, by asserting in the city of Savannah, and Burke County, and other places, on and before the day of said election, that if I was elected I would not hold my seat in Congress, and by pretending to hold elections in places where no legal voting-precincts existed, for the sole purpose of raising points of contest.

2. That you and your political adherents have attempted, and have succeeded in obtaining certificates and other evidence intended to be used in this contest, by threats of arresting, and have arrested, managers and officers, and other persons connected with the election, under pretended charges of violations of the enforcement act. This was done in the city of Savannah, and Burke County, and other places in the first congressional district of Georgia. All of this was done and intended to cause persons to certify and testify in your behalf, and intimidate them from giving evidence in my favor.

3. That you and your political adherents used undue means and fraud to obtain votes for you at an election held on the 5th day of November, 1872, in the first congressional district of Georgia, for a mem-

ber of Congress, by intimating and promising to persons charged with high crimes under the laws of the United States to have prosecutions withdrawn and the indictments quashed if such persons would vote and use their influence for you at said election for member of Congress. And by these influences and frauds you prevented me from receiving five hundred votes in the city of Savannah, one hundred votes in Echols County, and one hundred votes in Emanuel County, making in all seven hundred votes that I would have received in said election for member of Congress, had it not been for such undue influences and frauds, and if votes are to be counted that are not included in the consolidated returns, and the consolidated returns to be amended, then I shall claim that these votes be added to my credit.

4. That you and your political adherents, by threats made, prior to the election, of the enforcement act upon the reports of supervisors of elections, intimidated and prevented one thousand or more of my political friends from voting for me at the election held on the 5th day of November, 1872, in the first congressional district of Georgia, for member of Congress. All of which votes I shall claim and ask to have placed to my credit, if the consolidated returns of said election are to be amended by adding votes for you.

5. That at an election held on the 5th day of November, 1872, in the counties composing the first congressional district of Georgia, for a member of the Forty-third Congress of the United States, you are credited with having received two hundred and five (205) votes, claimed to have been polled at a place called Jeffersonton, in Camden County, when there is no such voting-precinct in the county of Camden. The returns of this claimed election, from this place, being informal and showing evidences of fraud, and were consolidated with the returns from the legal precincts and votes of the county of Camden, under protest of three of the consolidating managers at the court-house in said county, and are now to your credit in the consolidated returns of file in the secretary of state's office. I shall ask that this return of election at Jeffersonton, in Camden County, be thrown out and rejected, and totally disregarded, and that the two hundred and five (205) votes that are included in the count for you shall be taken therefrom, and that the election claimed to have been held at Jeffersonton, in Camden County, in the first congressional district of Georgia, on the 5th day of November, 1872, for a member of Congress, to be illegal, null, and void.

6. That at an election held on the 5th day of November, 1872, in the first congressional district of Georgia, for a member of the forty-third Congress of the United States, you received two hundred or more illegal votes in the different voting precincts in Camden County for member of Congress, which votes were placed and are now standing to your credit in the consolidated returns of said election. These are votes of persons who had not paid taxes. I shall ask that these votes be taken from those counted to you in said election, and rejected from the consolidated returns of the aforesaid election.

7. That at an election held on the 5th day of November, 1872, at Trader's Hill, in Charlton County, in the first congressional district of Georgia, for a member of the Forty-third Congress, you received and are credited with one hundred and forty-seven (147) votes at said place. One hundred or more of these votes I hold to be illegal, and shall insist upon having these one hundred or more illegal votes taken from those credited to you in the consolidated election returns from Charlton County, and rejected from and wholly disregarded in the

count of the votes polled at the election held as aforesaid, as being illegal, null and void. These one hundred or more votes were polled by persons who had not paid poll tax, and who were not citizens of Charlton County, nor of the State of Georgia, and by persons under the age of twenty-one years.

8. That I received votes at the election held on the 5th day of November, 1872, at the legal voting precincts in Charlton County, for member of the Forty-third Congress, numbering seventy-five or more votes, that were not counted for me in the consolidated returns of the election held in Charlton County, nor have been credited to me in anywise. All of which votes I shall insist on having counted for me, and placed to my credit, if the consolidated returns of the aforesaid election are amended for you. These seventy-five or more votes were polled for me at legal precincts within the lawful time and manner of holding elections by persons legally entitled to vote, but failed to be, and were not sent to the court-house in Charlton County, within the time prescribed by law.

9. That at an election held on the 5th day of November, 1872, in the counties composing the first congressional district of Georgia, for a member of Congress, you are credited with having received three hundred and thirty-nine (339) votes at Riceborough, in Liberty County, in said district, all of which votes were counted in your favor and are now standing to your credit in the consolidated returns of said election, which votes I shall ask to be taken from those counted to you in the consolidated returns, and to have them rejected and totally disregarded and the election held at that place and time declared illegal, null and void, because your political friends did, at Riceborough, in Liberty County, Ga., on the aforesaid day of election, surround, crowd and take charge of the ballot-box and place of voting, and held the same for your exclusive benefit and to the exclusion of all my political friends during the time for voting, and your political friends did there and then, by their illegal, forcible and fraudulent conduct prevent and hinder my political friends from voting for me for member of the Forty-third Congress, thereby causing me to lose one hundred or more votes I would have received had my political friends been not prevented from voting for me by the illegal and violent conduct on the part of your political friends, and because you received votes at said precinct on the day of said election, numbering one hundred or more from persons who were not entitled to vote under the constitution and laws of Georgia, and because the managers of the election at Riceborough failed and did not hold and return the election at that place according to law. The returns of said election being informal and illegal, no tally-sheets were kept at or sent up from said precinct, thereby destroying the mode of having fraud and mistakes in the count of votes detected and corrected. The list of voters does not show when nor where the election was held, and is not certified to, nor signed by any of the election managers.

10. That, at an election held on the 5th day of November, 1872, in McIntosh County, Georgia, for member of Congress, you received one hundred or more illegal votes, polled by persons who had not paid poll tax, and by persons under the age of twenty-one years, and by persons not citizens of McIntosh County, nor of the first congressional district of Georgia, all of which one hundred or more illegal votes I shall ask to have taken from the number of votes counted for and credited to you in the consolidated returns of the election held in the first congressional district as aforesaid, if said returns are amended in your favor.

11. That, at an election held on the 5th day of November, 1872, *in*

Glynn County, in the first congressional district of Georgia, for a member of the Forty-third Congress of the United States, you received one hundred and fifty or more illegal votes, which are counted for you and placed to your credit in the consolidated returns of said election. These one hundred and fifty or more illegal votes were polled by persons who had not paid lawful taxes, and by persons under the age of twenty-one years, all of which one hundred and fifty or more illegal votes I shall ask to have taken from the votes counted and credited to you in the consolidated returns of the aforesaid election, if said returns are amended for you.

12. That, at an election held on the 5th of November, 1872, in the city of Savannah, in the first congressional district of Georgia, for a member of the Forty-third Congress of the United States, you received four hundred or more illegal votes, which were counted for you and placed to your credit in the consolidated returns of said election. These illegal votes were polled by persons who had voted once and more times at the same election, and on the same day, and by persons who had not paid lawful taxes that had been demanded of them, and which they had an opportunity of paying, all of which four hundred or more votes I shall ask to have taken from the number of votes counted for you, and now standing to your credit in the consolidated returns of the aforesaid election, if the consolidated returns of said election are attempted to be amended in your favor.

13. That, at an election held on the 5th day of November, 1872, at the precinct in the two hundred and fifty-ninth militia district, in Scriven County, in the first congressional district of Georgia, for a member of the Forty-third Congress of the United States, I received thirty-one votes, and you received four votes, making a majority in my favor of twenty-seven votes, which are not counted for me, nor credited to me, in the consolidated returns of said election; and all of which votes were regularly polled by legal voters, and at a lawful place of voting in said county of Scriven, it being the two hundred and fifty-ninth militia district, in the county of Scriven. These votes are not included in the consolidated returns in Scriven County for some slight informality in the precinct returns, but which I shall insist on having counted and placed to my credit if the consolidated returns of the aforesaid election are attempted to be amended in your favor.

14. That at an election held on the 5th day of November, 1872, in the seventy-first militia district, in Burke County, in the first congressional district of Georgia, for a member of the Forty-third Congress of the United States, you are credited with having received, and have placed to the count in your favor in the consolidated returns of the election held as aforesaid in Burke County, five hundred and ninety (590) votes, and I am credited with twenty-four (24) votes, when the tally-sheet does not show but one hundred and ten (110) votes for you and twenty-four (24) votes for me, thereby showing fraud, illegality, and informality in said election. I hold, and shall insist, that there was no legal election held in the seventy-first district in Burke County, Ga., on the 5th day of November, 1872, for a member of the Forty-third Congress of the United States, and that one hundred and ten votes claimed to have been polled at that precinct were polled by persons who had not paid the poll-tax required of them, and by persons under the age of twenty-one years, and that the returning of the pretended election in the seventy-first district of Burke County were not sent to and received at the court-house in Burke County within the time prescribed by law, but said votes were put in the consolidated returns of Burke County

and five hundred and ninety (590) of these claimed votes now stand to your credit in said returns, all of which I shall ask to have taken from the votes standing to your credit in the consolidated returns of election, and that the election in said militia district be declared null and void, or shall insist on the counting of only such votes as are verified by the tally-sheet if the consolidated returns of election are attempted to be amended in your favor.

15. That at an election held on the 5th day of November, 1872, in the county of Emanuel, in the first congressional district of Georgia, for a member of the Forty-third Congress of the United States, at a place called Scotland, you are credited with nineteen (19) votes and I am credited with ten (10) votes, all of which I hold to be illegal, null and void, there being but two managers of said precinct election, and these two failed to make and sign the oath required by law. I shall insist that these nineteen (19) votes be taken from the votes counted for you in the consolidated returns of the aforesaid election, if the consolidated returns of the election are attempted to be amended in your favor.

16. That at an election held on the 5th day of November, 1872, in the counties composing the first congressional district of Georgia, for member of the Forty-third Congress of the United States, one thousand or more persons were prevented from voting for me for member of the Forty-third Congress by a failure on the part of your political adherents and other persons, to open and hold an election at the several voting-places in the first congressional district, but at which no elections were held, and where many of my political friends went to vote for me, but did not vote, for the reasons stated above, all of which I shall insist on having counted for me if the consolidated returns of election are attempted to be amended in your favor.

17. That at an election held on the 5th day of November, 1872, in the counties composing the first congressional district of Georgia, at which you and I were voted for, and at which I am returned duly elected Representative to the Forty-third Congress of the United States by a legal majority of the consolidated votes in the first congressional district of Georgia of thirteen hundred and forty (1,340) votes, as will be shown by a reference to the returns of the election aforesaid, now on file in the secretary of state's office; and to add the votes that were polled for me that are not included in the consolidated election returns, would increase my election to fourteen hundred and forty (1,440) or more votes; and to add seven hundred or more votes that I failed to have received by reasons of fraud, bribes, and intimidations practiced and used by you and your political adherents in promising to settle charges for crimes, and to add the large number of votes that would have been polled for me, one thousand (1,000) or more. Had the polling precincts in the first congressional district been opened and presided at, my majority would be increased to three thousand one hundred and forty (3,140) or more votes; and to add the one thousand (1,000) or more votes I would have received, but for threats made by you and your political adherents of the use of the enforcement act, and my majority would have been four thousand one hundred and forty (4,140) or more votes; and take from you all the illegal votes counted and consolidated for you, numbering two thousand one hundred and three (2,103) or more votes, and my majority would be increased to six thousand two hundred and forty (6,240) or more votes. I, however, hold and claim that the only votes that can be counted are those that are included in the consolidated returns of the aforesaid election by the managers of the election at the respective court-houses in the counties composing the first congressional

district of Georgia, and of which votes I have a large majority. Upon the justice of my claim and laws of the State I rest my case.

MORGAN RAWLS.

SAVANNAH, *January* 18, 1873.

Introduced in evidence before—

[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

STATE OF GEORGIA, *Chatham County:*

Personally appeared Alfred B. Smith, who, being duly sworn, deposeth and saith that he served a copy of the within answer to the notice and grounds of contest of contestant personally upon Andrew Sloan, contestant, at his office, in the city of Savannah, on the 18th day of January, A. D. 1873.

ALFRED B. SMITH.

Sworn to and subscribed before me this 12th day of March, A. D. 1873, at Savannah.

PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

B.—*Notice to take depositions.*

In the matter of the contested election for a member of Congress from the first congressional district of Georgia, in the House of Representatives of the Congress of the United States for the Forty-third Congress.

SAVANNAH, GA., *March* 1, 1873.

SIR: You are hereby notified that in pursuance of an act of Congress entitled an act to prescribe the mode of obtaining evidence in cases of contested elections, passed the 19th day of February, A. D. 1851, and the several supplements thereto, and later laws of Congress in reference thereto, it is my intention to examine witnesses before Philip M. Russell, jr., a notary public in and for the county of Chatham, and State of Georgia, the said Philip M. Russell, jr., residing within the said first congressional district of Georgia, and being duly authorized by said acts to examine such witnesses, or before some other person or persons duly qualified, at the law-office of Smith and Beeks, attorneys for contestee, corner of Bay and Bull streets, in the city of Savannah, in the county of Chatham, in the State of Georgia, in the above matter, on the twelfth, thirteenth, and fourteenth days of March, A. D. 1873, at nine o'clock in the forenoon of each of said days, and between the hours of nine o'clock in the forenoon and ten o'clock p. m. of each of said days, and to be continued without any interruption except by necessary adjournments during all of said period of time, or so much thereof as may be necessary to examine the following-named witnesses, to wit: Sigmond Elsinger, Isaac Russell, Isaac M. Marsh, John McPherson Berrin, James J. McGowan, Thomas J. Sheftall, James Maccauley, William Cantwell, Aaron Alpeoria Bradley, George Washington Wilson, Henry S. Wetmore, Louis J. Moody, William J. Clements, Benjamin F. Sheftall, Asa A. Davis of Chatham County; Charles H. Baker, of Bryan

County; William H. Hayman, ordinary, of Bryan County, Georgia. Also certified copies of all orders issued by the ordinary of Chatham County, Georgia, appertaining to the establishment of election precincts, and of the establishment of four ballot-boxes for Chatham County, Georgia. Also certified copies all election returns of an election held on the 5th day of November, A. D. 1872, in the first congressional district of Georgia, for presidential electors, and a member of the Forty-third Congress, for all counties and precincts in said first congressional district. Also written opinion of counsel as to the legality or illegality of the country precincts in Chatham County, Georgia.

Respectfully,

SMITH AND BEEKS,
Attorneys for Contestee.

To ANDREW SLOAN, Esq.,
Savannah, Ga.

Introduced in evidence before—
[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

Copy and service of the within notice to take depositions in Chatham County, Georgia, on the 12th, 13th, and 14th days of March, A. D. 1873, and of the names of witnesses and time and place of taking testimony, acknowledged, and the signing of the within notice by the contestee waived. This 1st day of March, A. D. 1873, at Savannah, Ga.

ANDREW SLOAN,
Contestant.

C.

GUYTON, GA., *March* 1, 1873.

ANDREW SLOAN, Esq., *Savannah, Ga:*

SIR: You are hereby notified that it is my intention to examine and offer in evidence, in addition to the witnesses and papers named in the notice served on you to-day, notifying you of my intention to take testimony in the city of Savannah, the following witnesses and papers: Phillip Terry and J. Girrirdeau, of Liberty County, Georgia. Copies of orders, proclamations, and certificates from the executive department of Georgia. Also copies of reports of supervisors of elections, and affidavits and letters from various persons, all bearing upon the election held on the 5th day of November, 1872. All of this evidence to be taken at the same times and place named in the aforesaid notice served on you this day, and dated at Savannah, Ga., March 1, 1873.

Yours, respectfully,

MORGAN RAWLS.

Introduced in evidence before—
[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

Copy and service of the within notice to take depositions in Chatham County, Georgia, city of Savannah, on the 12th, 13th, 14th days of March

A. D. 1873, names of witnesses and time and place of taking testimony, acknowledged, this 3d day of March, A. D. 1873, at Savannah, Ga.

I certify that I presented a copy of the within notice at the law-office of contestant, Andrew Sloan, on the 3d day of March, A. D. 1873, in Savannah, Chatham County, State of Georgia.

WALTER C. BEEKS,
Attorney for Contestee.

Sworn to and subscribed before me this 12th day of March, 1873, at Savannah.

PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

D.

EXECUTIVE DEPARTMENT, STATE OF GEORGIA,
Atlanta, Ga., November 26, 1872.

Ordered, That the secretary of state record and issue a proclamation declaring that the following persons, having received a majority of the votes cast on the 5th day of November, instant, are duly elected Representatives of this State from their respective congressional districts in the Forty-third Congress of the United States, to wit:

In the first congressional district, Morgan Rawls.
In the second congressional district, Richard H. Whiteley.
In the third congressional district, Philip Cook.
In the fourth congressional district, Henry R. Harris.
In the fifth congressional district, James C. Freeman.
In the sixth congressional district, James H. Blount.
In the seventh congressional district, Pierce M. B. Young.
In the eighth congressional district, Ambrose R. Wright.
In the ninth congressional district, Hiram P. Bell.

JAMES M. SMITH, *Governor.*

By the governor:
J. W. WARREN,
Secretary Executive Department.

EXECUTIVE DEPARTMENT,
Atlanta, Ga., January 16, 1873.

I, Samuel C. Williams, secretary pro tem. of the executive department, do hereby certify that the above and foregoing is a true copy of an executive order issued from this department on the 26th day of November, 1872.

[SEAL.]

S. C. WILLIAMS,
Secretary pro tem. Executive Department.

Introduced in evidence before—

[SEAL.]

PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

E.—*A proclamation.*

GEORGIA:

By James M. Smith, governor of said State.

Whereas, upon examination of the returns made agreeably to law of the election held on the 5th day of November, instant, for nine members to represent this State in the House of Representatives of the Congress of the United States, for two years from and after the third day of March next, it appears that the following persons received a majority of the votes cast, each in the congressional district mentioned in connection with his name, to wit:

In the first congressional district, Morgan Rawls.
In the second congressional district, Richard H. Whiteley.
In the third congressional district, Philip Cook.
In the fourth congressional district, Henry R. Harris.
In the fifth congressional district, James C. Freeman.
In the sixth congressional district, James H. Blount.
In the seventh congressional district, Pierce M. B. Young.
In the eighth congressional district, Ambrose R. Wright.
In the ninth congressional district, Hiram P. Bell.

Therefore the said Morgan Rawls, Richard H. Whiteley, Philip Cook, Henry R. Harris, James C. Freeman, James H. Blount, Pierce M. B. Young, Ambrose R. Wright, and Hiram P. Bell, are declared duly elected Representatives of this State from the respective congressional districts as aforesaid, in the Forty-third Congress of the United States of America.

Given under my hand and the great seal of the State, at the capitol in Atlanta, this twenty-sixth day of November, in the year of our Lord one thousand eight hundred and seventy-two, and of the Independence of the United States of America the ninety-seventh.

JAMES M. SMITH,
Governor.

By the governor:
DAVID G. COTTING,
Secretary of State.

STATE OF GEORGIA,
OFFICE SECRETARY OF STATE,
Atlanta, January 16, 1873.

The above and foregoing one page of written matter is a true and correct copy from the records of this office. Book, "Miscellaneous Commissions," page 280.

Given under my hand and seal of office.

[SEAL.] N. C. BARNETT,
Secretary of State.

Introduced in evidence before

[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

F.

STATE OF GEORGIA:

[L. S.]

By his excellency James M. Smith, governor of said State.

To the Hon. MORGAN RAWLS, greeting:

JAMES M. SMITH, *Governor.*

Whereas, by the second section of the first article of the Constitution of the United States of America, it is ordained and established that the House of Representatives shall be composed of members chosen every second year by the people of the several States.

And whereas, by the returns, made agreeably to law, of the election held on the fifth day of November, A. D. 1872, for nine members to represent this State in the House of Representatives of the Congress of the United States, for two years from and after the third day of March, 1873, you, the said Morgan Rawls, were duly elected one of the Representatives in and by the first congressional district of said State.

These are therefore to commission you, the said Morgan Rawls, to take session in the House of Representatives of the United States for two years from and after the third day of March, 1873, as aforesaid, and to use and exercise all and every the privileges and powers which of right you may or can do, in and by virtue of said Constitution, in behalf of this State.

Given under my hand and the great seal of the State, at the capitol, in Atlanta, this 26th day of November, in the year of our Lord one thousand eight hundred and seventy-two, and of the Independence of the United States of America the ninety-seventh.

By the governor:

DAVID G. COTTING,
Secretary of State.

Introduced in evidence before

PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

STATE OF GEORGIA,
OFFICE SECRETARY OF STATE,
Atlanta, January 16, 1873.

The within one page of written and printed matter is a true and correct copy from the records on file in this office. Book, "Miscellaneous Commissions," page 271.

Given under my hand and seal of office.

[SEAL.]

N. C. BARNETT,
Secretary of State.

G.—*Order. Election precinct, November* 15, 1870.

Court of ordinary, Chatham County, sitting for county purposes, November term, 1870.

It being considered necessary in order to carry out the provisions of an act of the general assembly of the State of Georgia entitled "An

act to provide for an election, and to alter and amend the laws in relation to the holding of elections," approved the 3d day of October, 1870, to establish an election precinct in Chatham County; it is therefore ordered that the city of Savannah be, and is hereby, made an election precinct, the place of receiving the votes at said election to be hereafter designated.

November 15, 1870.

(Signed) A. W. STONE,
Ordinary, Chatham County.

ORDINARY'S OFFICE,
Chatham County, State of Georgia:

I, William J. Clements, deputy clerk of the court of ordinary, of Chatham County, State of Georgia, do hereby certify the foregoing instrument of writing to be a true and faithful copy of the original order of the ordinary of said county, as appears, reference being had to the original on file, and of record in this office.

In witness whereof I have hereunto set my official signature and attached the seal of the court of ordinary, at the city of Savannah, county and State aforesaid, this the eighteenth day of February, A. D. 1873.

[SEAL.] W'M J. CLEMENTS,
Deputy Clerk, Court of Ordinary, Chatham County.

STATE OF GEORGIA,
Chatham County:

I, John O. Ferrill, judge of the court of ordinary, of Chatham County, State of Georgia, do hereby certify that William J. Clements, whose genuine signature is attached to the above certificate, is and was at the time of signing the same the duly qualified deputy clerk of my court; that the attestation is in due form of law, and that all his official acts are entitled to full faith and credit.

Witness my official signature at the city of Savannah, this the eighteenth day of February, A. D. 1873.

JNO. O. FERRILL,
Judge Court of Ordinary, Chatham County, Georgia.

Introduced in evidence before
[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

H.—*Order. Election precinct, December* 16, 1871.

To the voters of Chatham County:

You are respectfully notified that there will be but two ballot-boxes to receive your votes at the ensuing election, to be held on the 20th, 21*th*, 22*th* instants, and that both boxes will be at the court-house in Savannah. Voters residing within the city limits are requested to vote in the box at President-street entrance to court-house, (north side.) Voters residing in Chatham County, outside of the city limits, will please vote at box on York street entrance to court-house, (south side.)

Dec. 16, 1870.

(Signed) HENRY S. WETMORE,
Ordinary Chatham County.

ORDINARY'S OFFICE,
Chatham County, State of Georgia:

I, William J. Clements, deputy clerk of the court of ordinary, of Chatham County, State of Georgia, do hereby certify the foregoing instrument of writing to be a true and faithful copy of the original order of the ordinary of said county, as appears, reference being had to the original on file and of record in this office.

In witness whereof I have hereunto set my official signature and attached the seal of the court of ordinary at the city of Savannah, county and State aforesaid, this the eighteenth day of February, A. D. 1873.

[SEAL.] W'M J. CLEMENTS,
Deputy Clerk, Court of Ordinary, Chatham County.

STATE OF GEORGIA,
Chatham County:

I, John O. Ferrill, judge of the court of ordinary, of Chatham County, State of Georgia, do certify that William J. Clements, whose genuine signature is attached to the above certificate, is, and was at the time of signing the same, the duly qualified deputy clerk of my court; that the attestation is in due form of law, and that all his official acts are entitled to full faith and credit.

Witness my official signature at the city of Savannah, this the eighteenth day of February, A. D. 1873.

JOHN O. FERRILL,
Judge Court of Ordinary, Chatham County, Georgia.

Introduced in evidence before—
[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

I.

SAVANNAH, *March* 11, 1873.

HON. MORGAN RAWLS, M. C.:

DEAR SIR: Our opinion is requested as to the legality of the election held in November last for member of Congress, at certain precincts in Chatham County outside of the city of Savannah.

We have no hesitation in saying that, in our opinion, all votes cast at any place other than the court-house at Savannah were illegal and void.

The law requires that there shall be a polling-place at the court-house of each county, and may be polling-places other than the court-house, when established by the ordinary in open court. The only order passed by the ordinary of this county, upon which a claim could be based that voters were entitled to poll their votes at any precinct in the county, is an order passed for a particular election, and expired, by its own terms, so soon as that particular election was held. Consequently, the order having no reference to the election held for member of Congress in November, the only legal place for polling votes at that election was the court-house at Savannah.

The fact that four boxes were opened for polling votes at the court-house cannot vitiate the election, as that was simply an arrangement for the convenience of voters at one polling-place.

We may add that these views were entertained by all the members of the committee of lawyers appointed by the democratic executive committee to investigate these questions.

Respectfully, your obedient servants,

HARTRIDGE & CHISHOLM.
GEO. A. MERCER.
THO'S E. LLOYD.
A. R. LAWTON.

Introduced in evidence before—
[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

K.

I hereby certify that William Cantwell has been under my professional care during the past two weeks, for a severe attack of pneumonia, and that he is not, as yet, able to leave his room; and that I, as his medical adviser, expressly forbid his doing so, as the same would, without doubt, bring on a relapse of the disease, thereby placing his life in danger. At his present rate of improvement he will be able to be out in the course of a few days.

Savannah, Ga., March 11, 1873.

GEO. A. STONE, *M. D.*

Introduced in evidence before—
[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

M.

STATE OF GEORGIA, CHATHAM COUNTY,
United States of America, ss:

To HENRY S. WETMORE:

You are hereby required and commanded that, laying aside all business and excuses whatsoevor, you be and appear before the subscriber, a notary public in and for the county of Chatham, in the said State, or some other person duly qualified, at the law-office of Smith and Beeks, in the city of Savannah, on the corner Bay and Bull streets, in the county of Chatham, in the State of Georgia, on Wednesday the twelfth (12th) day of March, A. D. 1873, at nine o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the first congressional district of Georgia, between Morgan Rawls, returned as elected to the Forty-third Congress, and Andrew Sloan, contestant, on behalf of Morgan Rawls, contestee. And this you are in no wise to omit under the penalty of twenty dollars, and of punishment by fine and imprisonment according to the act of Congress in such cases made and provided.

Witness the said notary, who has hereunto set his hand and seal, this seventh day of March, A. D. 1873

[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

STATE OF GEORGIA,
Chatham County:

Personally appeared before me, a justice of the peace in and for the county of Chatham, the undersigned, and he being duly qualified, deposeth that he served the within subpœna on Henry S. Wetmore personally, on the 7th day of March, A. D. 1873.

LEWIS B. ENDRES,
Constable, Chatham County, Georgia.

Sworn to and subscribed before me this twelfth day of March, 1873.
[SEAL.]
J. J. ABRAMS,
Justice Peace, Chatham County, Georgia.

N.

STATE OF GEORGIA, CHATHAM COUNTY,
United States of America, ss:

TO GEORGE WASHINGTON WILSON:

You are hereby required and commanded, that, laying aside all business and excuses whatsoever, you be and appear before the subscriber, Philip M. Russell, jr., a notary public in and for the county of Chatham, in said State, or some other person duly qualified, at the law-office of Smith and Beeks, in the city of Savannah, cor. Bay and Bull streets, in the county of Chatham, in the State of Georgia, on Wednesday the twelfth (12th) day of March, A. D. 1873, at nine o'clock in the forenoon of said day, in order then and there to be examined respecting the contested election for a member of the Forty-third Congress in the House of Representatives of the United States of America, for the first congressional district of Georgia, between Morgan Rawls, returned as elected to the Forty-third Congress, and Andrew Sloan, contestant, on the part of Morgan Rawls, contestee. And this you are in nowise to omit under penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such cases made and provided.

Witness the said notary, who has hereunto set his hand and seal, this tenth day of March, A. D. 1873.

[SEAL.]
PHILIP M. RUSSELL, JR.,
Notary Public, Chatham Co., Ga.

STATE OF GEORGIA,
Chatham County:

Personally appeared before me, a justice of the peace, in and for the county of Chatham, the undersigned, and he being duly qualified, deposeth that he served the within subpœna on George Washington Wilson, on the 10th day of March, A. D. 1873, by leaving the same at his most notorious place of residence.

LEWIS B. ENDRES,
Constable, Chatham County, Ga.

Sworn to and subscribed before me this 12th day of March, A. D. 1873.
[SEAL.]
J. J. ABRAMS,
Justice Peace Chatham County, Georgia.

O.

STATE OF GEORGIA, CHATHAM COUNTY,
United States of America, ss:

To LOUIS J. MOODY:

You are hereby required and commanded, that, laying aside all business and excuses whatsoever, you be and appear before the subscriber, Philip M. Russell, jr., a notary public in and for the county of Chatham, in the said State, or some other person duly qualified, at the law-office of Smith and Beeks, in the city of Savannah, cor. Bay and Bull streets, in the county of Chatham, in the State of Georgia, on Wednesday, the twelfth (12th) day of March, A. D. 1873, at nine o'clock in the forenoon of said day, in order then and there to be examined respecting the contested election for a member of the House of Representatives of the United States of America, for the first congressional district of Georgia between Morgan Rawls, returned as elected to the Forty-third Congress, and Andrew Sloan, contestant, on behalf of Morgan Rawls, contestee. And this you are in nowise to omit under penalty of twenty dollars, and of punishment by fine and imprisonment, according to the act of Congress in such cases made and provided.

Witness the said notary, who has hereunto set his hand and seal, this seventh day of March, A. D. 1873.

[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham County, Georgia.

STATE OF GEORGIA,
Chatham County:

Personally appeared before me, a in and for the county of Chatham, the undersigned, and he being duly qualified, deposeth that he served the within subpœna, personally, on said Louis J. Moody, on the 10th day of March, A. D. 1873.

LEWIS B. ENDRES,
Constable, Chatham County, Ga.

Sworn to and subscribed before me this twelfth day of March, 1873.

[SEAL.] J. J. ABRAMS,
Justice Peace Chatham County, Georgia.

Introduced in evidence before—

[SEAL.] PHILIP M. RUSSELL, JR.,
Notary Public, Chatham Co., Ga.

P.

STATE OF GEORGIA, CHATHAM COUNTY,
United States of America, ss:

To WILLIAM CANTWELL:

You are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before the subscriber, Philip M. Russell, jr., a notary public in and for the county of Chatham, in the said State, or some other person duly qualified, at the law-office of Smith and Beeks, in the city of Savannah, corner Bay and Bull streets, in the county of Chatham, in the State of Georgia, on Wednesday the

twelfth day of March, A. D. 1873, at nine o'clock in the forenoon of said day, in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America, for the first congressional district of Georgia, between Morgan Rawls, returned as elected to the Forty-third Congress, and Andrew Sloan, contestant, on the part of Morgan Rawls, contestee; and this you are in nowise to omit, under the penalty of twenty dollars and punishment by fine and imprisonment, according to the act of Congress in such cases made and provided.

Witness the said notary, who has hereunto set his hand and seal, this seventh day of March, A. D. 1873.

[SEAL.] PHILIP M. RUSSELL, JR,
Notary Public, Chatham County, Georgia.

STATE OF GEORGIA,
Chatham County:

Personally appeared before me, a justice of the peace in and for the county of Chatham, the undersigned, and he being duly qualified, deposeth that he served the within subpœna on said William Cantwell, personally, on the 10th day of March, A. D. 1873.

LEWIS B. ENDRES,
Constable Chatham County, Georgia.

Sworn to and subscribed before me this twelfth day of March, 1873.

[SEAL.] J. J. ABRAMS,
Justice of the Peace Chatham County, Ga.

Admitted and introduced in evidence before—

[SEAL.] PHILIP M. RUSSELL, JR,
Notary Public, Chatham County, Georgia.

EXHIBIT G G.—*Notice to take depositions.*

In the matter of contested election by Andrew Sloan, contestant, and Morgan Rawls, returned member of the Forty-third (43d) Congress from the first congressional district, at an election held on the 5th day of November, 1872.

GUYTON, GA., *March* 25, 1873.

SIR: You are hereby notified that it is my intention to examine witnesses and offer in evidence copy returns and other papers referring to the election held on the 5th day of November, A. D. 1872, in the first congresssional district of Georgia, at which I am returned as member of the Forty-third (43d) Congress, on Saturday, the fifth, (5th,) Monday, the seventh, (7th,) and Tuesday, the eighth (8th) days of April, 1873, in the city of Savannah, Georgia, at the office of Messrs. Smith & Beeks, from eight o'clock a. m. until ten o'clock p. m., on these respective days, or so much of said time as may be necessary to examine the following-named witnesses: Philip Terry, J. O. Parker, Jesse Brewer, W'm S. Norman, Benjamin Darsey, Jeremiah Shaw, F. Lyons, of Liberty County, Georgia; A. J. Lawton, Joseph Arnett, of Scriven County, Georgia; A. M. Morgan, A. F. Rahn, Peter Roberts, Rob't Reed, S. S. Weitman, J. G. Clark, and Handy Lee, of Effingham County, Georgia; W. W. Paine, and P. M. Russell, of Savannah, Georgia; Morgan Rawls, of

Effingham County, Georgia, before H. P. Brewer, a notary public in and for the county of Effingham, Georgia, and residing in the first congressional district of Georgia, or some other qualified person.

Yours, respectfully,

MORGAN RAWLS.

To ANDREW SLOAN,
Savannah, Ga.

Due and legal service of the within notice to take depositions in Chatham County, Georgia, on Saturday, Monday, and Tuesday, 5th, 7th, and 8th days of April, A. D. 1873, with copy of names of witnesses and time and place as acknowledged, this 25th day of March, A. D. 1873.

JAMES ATKINS,
For Contestant.

EXHIBIT H H.

JOHN R. BACHLOTT. ALBERT S LAYTON.

OFFICE OF BACHLOTT & LAYTON, GENERAL STORE,
Centre Village, Charlton Co., Ga., Dec. 2ond, 1872.

Col. JOS. M. ARNON, *St. Mary's, Ga.:*

DEAR SIR: Your letter and one from Col. Rawls to you were both received last week. I will make known to the citizens of the county your kind offer.

In regard to Col. Rawls' letter asking you to inform him why it was that our county voted as it did, I can only say that the cause is simply this, the white voters nearly all remained at home, and every negro in the county went to the polls, including boys from seventeen years and upward. All voted. Several, who but a few days before the election made oath before an officer that they were not twenty-one years old, voted. This swearing was done to keep from paying taxes. The negroes voting for Sloan are principally from North Carolina and Virginia, but very few, if any of them, claim this as their home. The people generally were so bitterly opposed to Greeley that they would not come out to the election. Quite a number were mistaken in the day and came to the polls on Wednesday. One precinct was thrown out by the managers. The votes cast at this precinct were all white votes, and all for Col. Rawls. One of the managers told me that the votes we all consolidated before twelve o'clock, which he would swear, to the best of his knowledge; and when the freeholders came from the precinct spoken of some of the managers refused to receive them, saying it was after twelve o'clock, and that it would be useless to count them in, as the election or voting was illegally done, and would be thrown out any way. The negroes, by request and persuasion of the radical leaders, all concentrated at Trades Hill, the county site, and white voters who voted the democratic ticket were insulted by the negroes, and persons who would have voted remained away from the polls rather than be insulted by a crowd of drunken negroes. The ordinary of the county came near being seriously hurt by them. These facts can all be proven, if necessary, and is the cause of defeat in county.

Yours, truly,

JOHN R. BACHLOTT.

P. S.—Mrs. King requested me to say to you that she wanted you to have a bill of injunction filed at once in the case against Wilson. He is cutting all the timber off of the land and selling it.

EXHIBIT II.

GEORGIA, *Liberty County:*

All and each of us do solemnly swear that we will faithfully superintend this day's election; that we will not knowingly permit any person to vote unless we believe he is entitled to do so under the law, nor prohibit any person from voting who is entitled under the law to vote; and that we will make a just and true return certified under our hands according to law, to the best of our knowledg. So help us God.

This November 5, 1872.

JOHN CHAPMAN, *Freeholder.*
JAMES F. TERRELL, *Freeholder.*
JEREMIAH L. SHAW, *Justice of the Peace.*

16TH DIST.—CANDIDATES' NAMES.—PRESIDENTIAL ELECTORS.

William T. Wofford	28
Washington Poe	28
Henry L. Benning	28
Julian Hartridge	28
H. G. Turner	28
R. N. Ely	28
W. L. Hudson	28
J. M. Pace	28
Henry R. Casey	28
J. N. Dorsey	28
E. D. Graham	28
Amos T. Akerman	3
Benj. Conley	3
A. W. Stone	3
Joel Johnson	3
W. B. Jones	3
W. W. Merrell	3
Joel R. Griffin	3
John F. Shine	3
C. D. Forsyth	3
Geo. S. Fisher	3
C. A. Ellington	3

FOR CONGRESS.

Morgan Rawls	29
Andrew Sloan	3

We, the undersigned superintendents, do hereby certify that this day's election was conducted according to law; and that the several candidates received the number of votes set opposite their names.

November 5, 1872.

JOHN CHAPMAN, *Freeholder,*
JAMES F. TERRELL, *Freeholder,*
JEREMIAH L. SHAW, *Justice of the Peace,*
Superintendents.

Precinct returns.

STATE OF GEORGIA, *Liberty County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary, or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so, according to the laws of this State, nor knowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so: So help me God.

Sworn to and subscribed before me this 5th day of November, 1872.

G. A. AMASON.
W. A. GOLDING.
ANDREW BAKER.

G. A. AMASON, *Freeholder*,
W. A. GOLDING, *Freeholder*,
ANDREW BAKER, *Freeholder*,
Superintendents of the election for President and the electoral ticket in the town of Riceboro, in the .

STATE OF GEORGIA,
Liberty County:

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at Riceboro, in the county of Liberty, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

THE DEMOCRAT TICKET.

Names of candidates for Presiden	Number of votes polled for:
H. Greeley received	3
For Vice-President:	
Gratz Brown	3
State at large:	3
W. T. Wofford	3
Washington Poe	3
	Number of votes polled:
H. L. Benning	3
Julian Hartridge received	3
Electors:	3
H. G. Turner	3
R. N. Ely	3
W. I. Hudson	3
I. M. Page	3
	Number of votes polled:
H. R. Casey	3
J. N. Dorsey received	3
E. D. Graham	3
For Congress:	
Morgan Rawls	3

Which will fully appear by reference to the enclosed list of voters and tally-sheet. Given under our hands and official signatures this 5th day of November, 1872.

G. A. AMASON, [L. S.]
W. A. GOLDING, [L. S.]
ANDREW BAKER, [L. S.]
Superintendents.

DIRECTIONS.

The superintendents of the precinct must send the foregoing certificate properly filled, and all other papers of the election, including the ballots, under seal, to the county site in charge of one of their number, by 12 o'clock meridian of the next day.

GEORGIA, SECRETARY OF STATE'S OFFICE,
Atlanta, March 20, 1873.

I hereby certify that the above return is a correct copy taken from the original return on file in this office, and that there is no tally-sheet accompanying said return for congressmen.

Given under my hand and seal of office.
[SEAL.]

N. C. BARNETT,
Secretary of State.

Precinct returns.

STATE OF GEORGIA, *Liberty County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary, or free-holders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so, according to the laws of this State, nor knowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so: So help me God.

his
CYRUS + SMILEY, *F. H.*,
mark.
W'M B. CANTON, *F. H.*,
WILLIAM S. NORMAN,
Notary Public & ex-officio a Justice of the Peace,
Superintendents.

Sworn to and subscribed before me this 5th day of Nov'r, 1872.
WILLIAM S. NORMAN,
Notary Public & ex-officio a Justice of the Peace.

———— ————,
Justice of the Peace.

STATE OF GEORGIA, *Liberty County:*

By virtue of the statute in such cases made and provided, an election was held on the 5th day of Nov'r, 1872, at Himsville C. H., in the county of Liberty, for a member of Congress to represent the first con-

gressional district in the Forty-third Congress of the United Stat and for electors for President and Vice-President of the United Stat and we, the superintendents, do hereby certify that, upon counti out the votes polled, the following is the result:

Names of candidates for Congress:	Number of votes poll
Morgan Rawls received	
Andrew Sloan	

Names of candidates for electors:	
Amos T. Akerman	
Benj. Conley	
A. W. Stone	
Joel Johnson	
W. B. Jones	
W. W. Merrell	
J. T. Shine	
G. S. Fisher	
C. D. Forsyth	
C. A. Ellington	
Joel R. Griffin	
W. T. Wofford	
Washington Poe	
H. L. Benning	
Julian Hartridge	
H. G. Turner	
R. N. Ely	
W. I. Hudson	
J. M. Pace	
H. R. Casey	
J. N. Dorsey	
E. D. Graham	
Pennedus Reynolds	
W. H. Weems	
W. M. Merthon	
T. L. Gurny	
J. H. Woodward	
Henry Persons	
Geo. M. McDowell	
H. J. Bates	
A. T. Atkinson	
Miles W. Lewis	
G. M. Netherland	

Which will fully appear by reference to the enclosed list of voters a tally sheet. Given under our hands and official signatures this 5th d of Nov'r, 1872.

his
CYRUS + SMILEY, *F. H.*
mark.
W'M B. GUNTOON, *F. H.*
W'M S. NORMAN,
Notary Public & ex-officio a Justice of the Peace.
Superintendents.

DIRECTIONS.

The superintendents of the precinct must send the foregoing certificate properly filled, and all other papers of the election, including the ballots, under seal, to the county-site, in charge of one of their number, by 12 o'clock meridian of the next day.

Precinct returns.

STATE OF GEORGIA,
Liberty County:

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary, or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so, according to the laws of this State, nor knowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so. So help me God.

Sworn to and subscribed before each of us this 5th day of October, 1873.

J. R. MIDDLETON.
L. E. RYALS.
FRANCIS M. MIDDLETON.
Superintendents.

_____, _____,
Justice of the Peace.

STATE OF GEORGIA,
Liberty County:

By virtue of the statutes in such cases made and provided, an election was held on the 5th day of Nov'r, 1872, at 24 dist, G. M., in the county of Liberty, for the electors for President and Vice-President of the United States and Representative to Congress, and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for Congress:	Number of votes polled:
Morgan Rawls received	17
Andrew Sloan received	5

Names of candidates for electors:	Number of votes polled:
William T. Wofford received	17
Washington Poe	17
Henry L. Benning	17
Julian Hartridge	17
H. G. Turner	17
Robert N. Ely	17
W. J. Hudson	17
J. M. Pace	17
H. R. Casey	17
J. W. Dorsey	17
E. D. Graham	17

Names of candidates for electors :	Number of votes polled
A. T. Akerman received	5
Ben. Conley	5
A. W. Sloan	5
Joel Johnson	5
W. B. Lions	5
W. W. Merrell	5
Joel R. Griffin	5
Jno. F. Shine	5
C. D. Forsyth	5
Geo. S. Fisher	5
C. A. Ellington	5

Which will fully appear by reference to the enclosed list of voters and tally-sheet.

Given under our hands and official signatures this day of October, 1872.

J. R. MIDDLETON, *F. H.*,
FRANCIS M. MIDDLETON, *F. H.*,
L. E. RYALS, *F. H.*,
Superintendents.

——— ———
Justice of the Peace.

DIRECTIONS.

The superintendents of the precinct must send the foregoing certificate properly filled, and all other papers of the election, including the ballots, under seal, to the county site, in charge of one of their number, by 12 o'clock meridian of the next day.

Precinct returns.

STATE OF GEORGIA,
Liberty County:

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary, or freeholders (as the case may be) in this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so, according to the laws of this State, nor knowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so. So help me God.

Sworn to and subscribed before me this 5th day of November, 1872.
WILLIAM A. KENNEDY,
Justice of the peace.
WILLIAM E. WARNELL, *Freeholder*,
ALLEN E. FLOYD, *Freeholder*,
WILLIAM A. KENNEDY, *Freeholder*,
Superintendents.

STATE OF GEORGIA,
Liberty County:

By virtue of the statute in such cases made and provided, an election was held on the 5th day of Nov'r, 1872, at Taylor's Creek, 17t

he county of Liberty, for a member of Congress to repre-
first congressional dist. in the 43rd Congress of the United
nd for electors for President of the United States, and we,
intendents, do hereby certify that, upon counting out the votes
e following is the result:

andidates for Forty-third Congress.	Number of votes polled.
Rawls received	57
Sloan	46

ndidates for electors.	Number of votes polled.
T. Wofford received	48
ton Poe	48
Benning	
artridge	48
rner	48
ıdson	48
e	48
sey	
sey	48
ham	48
erman	42
Conley	42
one	42
ison	42
ferrell	42
Griffin	
Shine	42

	Number of votes polled.
rsyth received	42
Fisher	
ington	
nes	42
s Reynolds	9
I. Weams	
rshon	9
erry	
Woodward	9
ersons	
Dowell	
es	9
kinson	
owis	
etherland	

will fully appear by reference to the enclosed list of voters and
et.

nder our hands and official signatures this 5th day of Novem-

WILLIAM E. WARNELL, *F. H.*
ALLEN E. FLOYD, *F. H.*
WILLIAM A. KENNEDY, *F. H.*
Superintendents.

DIRECTIONS.

The superintendents of the precinct must send the foregoing certificate properly filled, and all other papers of the election, including the ballots, under seal, to the county site, in charge of one of their number, by 12 o'clock meridian of the next day.

EXHIBIT I I.

Precinct returns.

STATE OF GEORGIA, *Liberty County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor knowingly prohibit any one from voting who is so entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so. So help me God.

Sworn to before each other this 5 day of Nov'r, 1872.

BENJAMIN DORSEY, *F. H.*,
JOHN EASTERLING, *F. H.*,
WILLIAM R. WILKINSON, *F. H.*,
Superintendents.

_____ _____,
Justice of the Peace.

STATE OF GEORGIA, *Liberty County:*

By virtue of the statute in such cases made and provided, an election was held on the 5th day of Nov'r, 1872, at 1132nd dist., in the county of Liberty, for a member of Congress to represent the 1st congressional district in the 43rd Congress of the United States, and for presidential electors; and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for Forty-third Congress.	Number of votes polled.
Morgan Rawls received	37
Andrew Sloan	6

Names of candidates for electors.	Number of votes polled.
William T. Wofford	35
Washington Poe	35
Henry L. Benning	35
Julian Hartridge	35
H. G. Turner	35
R. N. Ely	35
W. J. Hudson	35
J. M. Pace	35
Henry R. Casy	35
J. N. Dorsey	35
E. D. Graham	35
Amos T. Akerman	6

. Conley 6
herst W. Stone 9
Johnson 6
3. Jones 6
V. Merrell 6
R. Johnson 6
F. Shine 6
. Forsyth 6
S. Fisher 6
. Ellington 6

hich will fully appear by reference to the enclosed list of voters tally-sheet.
ven under our hands and official signatures this 5th day of Nov'r,

BENJAMIN DORSEY, *F. H.*,
JOHN EASTERLING, *F. H.*,
WILLIAM R. WILKINSON, *F. H.*,
Superintendents.

DIRECTIONS.

e superintendents of the precinct must send the foregoing certifi- properly filled, and all other papers of the election, including the ts, under seal, to the county site, in charge of one of their number, ? o'clock meridian of the next day.

The republican ticket.

President, U. S. Grant ..... 339 votes.
President, Henry Wilson 339

FOR STATE AT LARGE.

. Akerman 339
amin Conley 339

THE ELECTORAL TICKET.

list. Amherst W. Stone 339
" Joel Johnson 339
W. B. Jones 339
W. W. Merrell 339
Joel R. Griffin 339
J. F. Shine 339
C. D. Forsyth 339
G. S. Fisher 339
C. A. Ellington 339

FIRST CONGRESSIONAL DISTRICT.

ew Sloan 339

OFFICE OF THE SECRETARY OF STATE,
Atlanta, Ga., April 4, 1873.

I hereby certify that the above and foregoing six sheets hereunto attached contain true and correct copies of the original returns of election held in the county of Liberty, now on file in this office, viz, Hinesville C. H., 1132nd district, Taylor's Creek, 17th dist., 24th dist., G. M., 16 district, and Riceboro'.

Given under my hand and seal of office.

[SEAL.] N. C. BARNETT,
Secretary of State

EXHIBIT K K.

OFFICE OF THE SECRETARY OF STATE,
Atlanta, Ga., April 3rd, 1873.

The following is a statement of the election held on the 5th day of November, 1872, in the first congressional district of Georgia, for a member of the Forty-third Congress, as shown by the returns of said election now on file in this office.

The regular returns, as made up and sent to this office by the consolidating managers of election, are as follows:

	Votes for Andrew Sloan.	Votes for Morgan Rawls.
Appling	9	153
Bryan	272	200
Bulloch	000	568
Burke	1,093	1,051
Camden	414	184
Charlton	147	50
Chatham	2,428	3,161
Clinch	28	291
Effingham	157	272
Emanuel	70	348
Echols	75	47
Glynn	566	243
Liberty	603	238
McIntosh	544	127
Pierce	147	180
Scriven	205	554
Tatnall	46	376
Ware	116	133
Wayne	59	143

The irregular returns, and that were not sent to this office by the regular consolidating managers of election, are as follows:

Precincts.	Votes for Andrew Sloan.	Votes for Morgan Rawls.
Isle of Hope, Chatham Co	253	00
Chapman's House, Chatham Co	600	2
Cherokee Hill, Chatham Co	386	00
Bailey's, in Camden Co	94	1 7
259th, in Scriven Co	4	3 1

OFFICE OF THE SECRETARY OF STATE,
Atlanta, Georgia, April 3, 1873.

I hereby certify that the above and foregoing statement is true and taken from the original returns of the election on file in this office, and that the returns and papers with the Bailey precinct, and with the 259th dist. of Scriven County, were not received at this office until after the certificate of election had been issued by the governor to Morgan Rawls, as shown by the dates on the said papers.

Given under my hand and seal of office.

[SEAL.]

N. C. BARNETT,
Secretary of State.

STATE OF GEORGIA,
Effingham County:

In the case of Andrew Sloan, esq., contestant, vs. Hon. Morgan Rawls, returned member of the Forty-third Congress, from the first congressional district of Georgia, at an election held on the fifth day of November, 1872.

I certify that, for and in behalf of the Hon. Morgan Rawls, in the above-named case, I took, at No. 5 station, Central Railroad, in Scriven County, Georgia, in the month of March, 1873, the testimony of C. A. Sorrier, a citizen of Bulloch County, Georgia, and the testimony of E. J. Sheppard, a citizen of Scriven County, Georgia, and No. 1, station, on the Augusta & Savannah Railroad, in the county of Burke, Georgia, in the month of March, 1873, the testimony of H. L. Perkins, William Wornock, H. C. Glisson, and T. H. Blount, citizens of Burke County, Georgia; also, at the same times and places, the said Hon. Morgan Rawls put in evidence certified copies of election returns, and other papers referring to the aforesaid election, and marked in the testimony as exhibits by letters, all of which testimony was important and material for the said Morgan Rawls in the aforenamed case of contested election.

And I further hereby certify that all the aforesaid testimony, including all the papers before referred to, were burned with my dwelling-house on the night of the 12th of May last, and that no part of said testimony, nor a copy thereof, was saved by me.

August 19th, 1873.

[SEAL.]

H. P. BREWER,
N. P. & E. O. J. P.

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ANDREW SLOAN vs. MORGAN RAWLS.

PAPERS

IN THE CASE OF

ANDREW SLOAN vs. MORGAN RAWLS,

FIRST CONGRESSIONAL DISTRICT OF GEORGIA.

SLOAN vs. RAWLS. } Contested election first district of Georgia.

Filed in clerk's office December 20, 1873, by Andrew Sloan.

In the matter of the contested election from the first congressional district of Georgia for a seat in the House of Representatives for the Forty-third Congress, wherein Andrew Sloan is contestant and Morgan Rawls contestee:

Whereas the Committee of Elections on the part of the House, on the 19th day of December, 1873, denied the application of Morgan Rawls, contestee, for extension of time, in case that I, Andrew Sloan, contestant, stipulate that the testimony lost, taken by Mr. Newton, shall be read in evidence before the committee and the House with like effect as the original depositions destroyed, copy to be furnished by me; and that Morgan Rawls be allowed time to the second Monday in January to procure certified copies of exhibits said to have been destroyed, and referred to in that testimony, to be annexed to said copy:

Now, I, Andrew Sloan, contestant, do stipulate, in accordance with the terms of said order of the committee, and hereby furnish the said testimony taken by Mr. Newton, to be used before the committee and the House, which is hereby presented, and left with the clerk of the Committee of Elections, for the purposes and objects embraced in said order of the committee; in other words, I hereby accept the terms of the order of the committee, in full, and hereby comply with the same.

ANDREW SLOAN,
Contestant.

WASHINGTON, *December* 20, 1873.

No. 5, C. R. R., *March* 20, 1873.

Contestee puts in evidence notice to take depositions of witnesses at this time and place, containing list of witnesses, &c., marked Exhibit Q.

C. A. SORRIER sworn.

Question. Where do you reside?—Answer. In Bulloch County, Ga.

Question. Do you hold any official position in that county?—Answer. I do not at this time.

Question. Have you held any official position in that county? If so, state what was that position or office, and how long did you hold the same?—Answer. I held the office of ordinary from 1868 to 1873.

Question. Did you assist in the holding or the managing of an election, as ordinary, in Bulloch County, on the 5th day of November, 1872, at which presidential electors and a member of the Forty-third Congress were voted for?—Answer. I did.

Question. What duties did you perform connected with said election?—Answer. I assisted the managers, fixed up the papers, consolidated the returns, and sent them to the executive department at Atlanta.

Question. What did that consolidation consist of?—Answer. It consisted of the several returns from the county.

Question. Did you sign any managers' names to that consolidated return? If so, by whose authority did you sign their names?—Answer. I did sign the names of managers, by their authority or request.

Question. Is it customary for the ordinary to assist in the holding and managing of elections, and of making up the consolidated return of elections in Bulloch County, and sending it forward to the secretary of state or the executive department?

(Counsel for contestant objects to this question on the ground that such a custom as is inquired about is not legal.)

Answer. It has always been the custom since I have been in office.

Question. Were the precinct or district returns of said election all brought in for consolidation by, or before, 12 o'clock m. on the day after said election?—Answer. They were brought to the court-house before 12 o'clock the day after the election.

Question. Do you recollect who got the majority of all the votes cast at said election, for member of the Forty-third Congress?—Answer. Morgan Rawls received all the votes cast at said election.

(Contestee here presents to witness a certified copy of the consolidated return of Bulloch County of the election held on the 5th day of November, 1872, with the seal and certificate of the secretary of state attached thereto, marked Exhibit R, hereto appended.)

Question. See and say if this is a true copy of the consolidated return aforesaid as made out and sent forward by you.—Answer. It is.

(Contestee here offers the said Exhibit R in evidence, hereto appended.)

Cross:

Question. Were you a superintendent or manager of that election?—Answer. I assisted in managing the election.

Question. Did you take and subscribe to the oath prescribed by law for superintendents or managers of election in Georgia?—Answer. I did not; I qualified the managers myself. I mean by that, that I administered the oath to them.

Question. The managers of what voting-place do you mean?—Answer. The county site at Statesboro.

Question. When and where was said consolidated return made up and signed?—Answer. It was made up in my office, but I cannot recollect the time; it might have been that day, or the next day; I cannot say as to that.

Question. Are you certain that the consolidated return was made up and signed, either on the day of said election, or the next day thereafter?—Answer. I am not certain.

Question. Was it not at least one week after said election that said consolidated return was made up, signed, and forwarded?—Answer. I think it was as much as a week before they were sent off; but they were made up before that time, as I could not get a reliable person to send them off by.

Question. Was said return made up and signed the day it bears date?—Answer. I presume it was, as I always sign and date an article the day it is fixed up.

Question. Where was your office in which said return was made?—Answer. In Statesboro.

Question. Who was present besides yourself at said consolidation?—Answer. I do not recollect; several were going in and out. I do not recollect the names of the parties.

Question. Was Mr. D. C. Proctor present then and there?—Answer. He was not.

Question. Was Mr. J. C. De Loach present?—Answer. He was not.

Question. Was Mr. John Green present?—Answer. He was not.

Question. Was Mr. M. J. Green present?—Answer. I do not recollect whether he was or not; I am not certain.

Question. Was Mr. David Beasley, sr., present?—Answer. He was at Statesboro', but I do not recollect whether he was present at the signing of the return or not.

Question. Was Mr. R. F. Sanders present?—Answer. I do not recollect.

Question. What names did you sign to said return?—Answer. I signed the names of the managers at the Court-House district.

Question. Were those the only names that you signed to said consolidated return?—Answer. They were not.

Question. What other names did you sign besides theirs to said return?—Answer. I signed the rest by request. I was authorized to do it.

Question. What persons do you mean by the rest in your last answer?—Answer. The managers' names from the other districts that are signed to the consolidated return.

Question. Did Mr. D. C. Proctor request you to sign his name to that return?—Answer. He did.

Question. When and where did he so request?—Answer. On the night of the election in the court-house at Statesboro.

Question. Did Mr. J. C. De Loach request you to sign his name to said return?—Answer. He did.

Question. When and where did he so request?—Answer. I do not recollect.

Question. Did Mr. John Green request you to sign his name to said return?—Answer. He did not in person.

Question. How did he make said request to you?—Answer. Through another gentleman.

Question. Did Mr. M. J. Green request you to sign his name to s[illegible] return?—Answer. He did not in person.

Question. How did he make such request?—Answer. Through anoth[illegible] person.

Question. Did Mr. David Beasley, sr.,, request you to sign his name [illegible] that return?—Answer. I can't say positively, but I think he did.

Question. Did Mr. R. F. Sanders request you to sign his name to t[illegible] return?—Answer. He did, through another person.

Question. Did Mr. H. A. Riggs request you to sign his name to t[illegible] return?—Answer. He did, in person.

Question. Were these requests to sign said managers' names to s[illegible] return made to you before or after said return was made up?—Answer. Before.

Question. Did a single one of the managers whose names are signed to said return ever see it or take part in making it up?—Answer. *I* cannot say that they did; some of them were at Statesboro. I do not recollect whether they paid any attention to the making up of it or not.

Question. Were some of the papers connected with said election sent to you by Mr. Sims, from Savannah?—Answer. No, sir.

Question. Did you never have any of the papers connected with said election at your dwelling-house?—Answer. I did; after the consolidation.

Question. How long did you keep them there?—Answer. I do not recollect.

Question. Did Mr. Brinson or Mrs. Lester ever bring to you any papers relating to said election?—Answer. Neither of them ever delivered to me any papers concerning said election.

Question. Did either of them bring any such papers to your house?

(Contestee objects to the two foregoing questions, and to any answers that may be made thereto, as being irrelevant, there being nothing charged in contestant's grounds of contest, or contestee's answer thereto, or anything shown in any testimony, that Mr. Brinson or Mrs. Lester have anything to do with the aforesaid election, or handling the papers thereof.)

Answer. I do not know.

Question. Were any papers, connected with said election, ever carried to your house by any person but yourself?—Answer. I can't say.

Question. Did you ever see any such papers there, or know of any such being there, except such as you carried there?—Answer. I can't say.

Question. How often does a mail leave Statesboro for the Central Railroad?—Answer. Once a week.

Question. Is not the Central Railroad, the road running from Savannah to Macon, the direct railroad line to Atlanta?—Answer. I believe it is.

Question. To what station on the Central Railroad does the mail from Statesboro go?—Answer. No. 5, Halcyondale.

Question. By whom did you send the package containing the consolidated return?—Answer. George B. Richardson.

Question. When and where did you deliver it to him?—Answer. I can't say when, but it was at my house.

Question. How far is your house from Statesboro?—Answer. It is not posted; I call it thirteen miles.

Question. To what place was Mr. Richardson going?—Answer. To Savannah.

Question. At that time did not the mail for No. 5, Central Railroad, leave Statesboro on Thursdays?—Answer. I think it did.

Question. Do you remember to whom said package was addressed?—Answer. Sometimes I direct them to his excellency James M. Smith, or the executive department. I can't recollect to which it was directed.

Question. Was it not as late as the 18th of November that it was sent away?—Answer. I do not recollect.

Question. Were all the precinct returns brought to Statesboro on the day of the election?—Answer. All of them were not; some were brought next morning.

Question. To whom were the returns from the precincts delivered by the persons bringing them to Statesboro?—Answer. I do not know.

Question. From whom did you first receive them?—Answer. The Statesboro managers.

Question. Did you receive all of them at once, or were they delivered to you separately?—Answer. They were delivered to me separately.

Question. When was the first of them delivered to you?—Answer. On the night of the election.

Question. When was the last delivered to you?—Answer. I can't say.

Question. Which of the managers at Statesboro gave said returns to you?—Answer. I think they were all present and delivered them to me at the table where the votes were counted.

Question. Do you remember when you took the consolidated return and other papers from Statesboro to your house?—Answer. I think it was the morning after the election.

Question. Did you keep said returns in your personal possession from the morning after the election until you delivered it to Mr. Richardson?—Answer. I kept them in a safe place in my own house.

Question. To which political party did you then belong?—Answer. I claim to be a democrat; always have. I do not take sides or an active part in politics.

Redirect:

Question. Did you sign the names of all the managers of said election who authorized you to sign their names, or did you only sign the names of those signed to the consolidated return?—Answer. I only signed the names that are signed to the consolidated return, to the best of my recollection.

Question. What is your most usual post-office, and to what post-office do you usually send official matter going to the executive department, or secretary of state's office, at Atlanta, Ga.?—Answer. Savannah. I always sent papers of any value to the Savannah post-office.

Question. Did you deliver the consolidated return herein referred to, covered with a proper envelope and securely sealed, to Mr. George B. Richardson?—Answer. I did.

Question. What is Mr. Richardson's character for honesty, integrity, and reliability?—Answer. Very good.

Question. Did Mrs. T. H. Griffin have anything to do with the handling or conveying of the aforesaid returns?—Answer. Not that I know of. I do not know her; I know of no such lady.

Re-cross:

Question. Did any managers besides those whose names are signed to the consolidated return request you to sign their names to it?—Answer. Yes; H. A. Riggs and M. M. Riggs.

Question. How far is Statesboro' from Savannah?—Answer. Fifty-two miles posted.

Question. How far is Statesboro' from No. 5 Central Railroad?—Answer. I do not know; somewhere about twenty miles.

C. A. SORRIER.

E. J. SHEPPARD sworn:

Question. Where do you reside?—Answer. I reside in Scriven County, Georgia.

Question. Did you hold any official position in that county on the 5th day of November, 1872? If so, state what position it was.—Answer. I did; the position of justice of the peace.

Question. Did you preside at an election held on the 5th day of November, 1872, for presidential electors, and member of the Forty-third Congress, as a manager of said election?—Answer. I did.

Question. Please state where you presided, and who were your fellow-managers?—Answer. At the precinct in the two hundred and fifty-ninth district of Scriven County, Georgia; Hezekiah Evans and R. S. Flake were my fellow-managers.

Question. Did you make out a return, including tally-sheet and list of voters at that precinct of said election?—Answer. We did.

Question. What was done with that return?—Answer. I took it to Sylvania, and presented it to the consolidaters before 12 o'clock the next day after the election.

Question. What did they do with this return?—Answer. They refused to consolidate it with the rest of the returns, as the oath had not been subscribed to by the managers before the polls were opened.

Question. What oath do you speak of as not having been subscribed to?—Answer. The oath administered to the managers at the opening of the polls.

Question. Was that oath administered to the mangers of the election at the precinct where you presided?

(Objected to by counsel for contestant on the ground that the fact inquired about can be lawfully shown only by the written oath.)

Answer. It was administered.

Question. Who administered that oath?—Answer. I did, sir.

(Contestee here presents to witness a copy of the consolidated return of the aforesaid precinct, marked Exhibit S, and propounds the following question:)

Question. Look at this, and say if this is a true copy of the return made at that precinct.

(Objected to by counsel for contestant, the paper not being certified to by the clerk of the Scriven superior court, or compared by the witness with the original.)

Answer. It is, I think, a true copy of said return.

(Contestee here places in evidence the aforesaid return, marked Exhibit S.

Contestee also presents to witness certified copies of the list of voters and tally-sheet at said precinct election, marked Exhibit T, and propounds the following question:)

Question. Look at this, and say if this is a true copy of the list of voters and tally-sheet kept at said election.

(Objected to by counsel for contestant on the same grounds as the last question.)

Answer. I think it is a true copy of the tally-sheet and list of voters of said precinct.

(Contestee here places in evidence the aforesaid certified copy of the tally-sheet and list of voters at said precinct, with the certificate and seal of the secretary of state's office thereto attached, marked Exhibit T.

Contestee here presents to witness a copy of the envelope referred to in the certificate of the secretary of state attached to the aforesaid tally-sheet and list of voters, and propounds the following question:)

Question. Look at this, and say if this is a true copy of the entries made by the managers of the precinct herein referred to?

(Objected to by counsel for contestant on the same grounds as the last questions.)

Answer. That is a true copy of the envelope, with entries.

Question. I mean by entries in the foregoing question to be the address to the managers of the consolidation of election returns at Sylvania, Ga.; also, to refer to the names written across the seal of said envelope, to wit, Hezekiah Evans, R. S. Flake, and Emette J. Sheppard, justice of the peace.—Answer. I meant my answer to apply to the marks across the seal and the address only.

(Contestee offers in evidence copy of the aforesaid envelope, marked Exhibit U, with all the remarks or entries upon the same, including the receipt of the secretary of state, marked thereon Exhibit U.)

Question. Are you certain that this precinct-return is not included in the consolidated return of Scriven County, and that the votes of said precinct do not stand to the credit in said consolidated return of the persons for whom they were polled?—Answer. I am not certain, from the fact I left the room as soon as the consolidating managers told me they would not include them in the consolidation. I left them with the clerk; but some of the consolidating managers afterward told me they were not put in.

(Counsel for contestant objects to so much of the last answer as contains the sayings of the consolidation managers after the consolidation as hearsay.

Counsel for contestant, in addition to the grounds above stated, objects to the Exhibits S, T, and U, on the ground that the originals do not appear to have reached the office of the secretary of state within the time or in the mode prescribed by law.)

E. J. SHEPPARD.

No. 5, C. R. R., *March* 21, 1873.

Contestee places in evidence a copy of the report of the supervisor of the election held at the court-house at Sylvania, Scriven County, Ga., on the 5th of November, 1872, for presidential electors and a member of the Forty-third Congress.

Also, copy of the report of the supervisor of the election held at the two hundred and fifty-ninth district of Scriven County, Georgia, on the day aforesaid, and for the aforesaid purpose, with the certificate of the chief supervisor of elections for the southern judicial district of Georgia, thereto attached, marked Exhibit V.

BURKE COUNTY.

No. 1. A. & S. R. R., *March* 28, 1873.

Contestee places in evidence notice, with acknowledgment of service thereon, to take testimony at this time and place, marked Exhibit W.

Also, copies of the precinct returns from Bulloch County, Georgia, certified to by the secretary of state, marked Exhibits X, Y, Z, AA, BB, and CC.

	Rawls.	Sloan.
NOTE.—Exhibit X	138	000
Exhibit Y	66	00
Exhibit Z	113	000
Exhibit AA	75	00
Exhibit BB	83	00
Exhibit CC	93	00
	568	000

Also, copies of list of voters and tally-sheet as a precinct return of the Scotland precinct of Emanuel County, Georgia, certified to by the secretary of state, marked Exhibit DD.

NOTE.—Exhibit DD, Rawls 10, Sloan 19.

Also, a copy of the Jeffersonton precinct return of Camden County, Georgia, with a copy of protest of J. M. Arnold and F. M. Adams, consolidating managers, attached, all certified to by the secretary of state, marked Exhibit EE.

NOTE.—Exhibit EE, Rawls 000, Sloan 205.

(Counsel for contestant objects to the certified papers pertaining to the election at the several precincts of Bulloch County on the ground that such introduction is not supported by contestee's answer. The same objection is made likewise to the certified return of the Jeffersonton precinct of Camden County.)

Contestee also offers in evidence a copy of an order from the ordinary of Camden County, Georgia, abolishing the Jeffersonton precinct of said county, with certificate of the ordinary of Camden County thereon, marked Exhibit FF.

(Counsel for contestant objects to the last Exhibit, FF, on the ground that it is not material to the issue in this case, and because it does not legally show that the precinct named therein has been legally abolished.)

H. L. PERKINS sworn:

Question. Where do you reside?—Answer. In the sixty-first district of Burke County, Georgia.

Question. Did you attend an election or any voting place in the aforesaid county on the 5th day of November, 1872, when presidential electors, and Morgan Rawls and Andrew Sloan, candidates for Congress, were voted for?—Answer. I attended the election. I do not know whether it was on the 5th day of November or not. I think it was, though. I attended the election at Lawtonville, in the sixty-first district.

Question. Who were the managers at that place of the election?—Answer. John H. Perkins, Wm. Warnock, and myself.

Question. Did you make up a return of said election, certify to the

same, and send it forward for consolidation with the other precinct returns of Burke County?—Answer. I did not.

Question. Did the managers at the aforesaid precinct make up, certify to, and send forward a return of said election?—Answer. We did not.

(Counsel for contestant objects on the ground that the witness cannot know whether other managers besides himself made up, certified, and sent up such return.)

Question. Why did not the managers make up, certify to, and send forward a return of that election?—Answer. The reason I did not sign it was because the ballot-boxes were emptied during my absence. The same reasons were assigned by Wm. Warnock for not so doing.

Question. When was the ballot-box emptied, and where were the purported ballots when you returned, that caused you to refuse to make up, certify to, and send forward a return?—Answer. The ballot-boxes were emptied on the floor of the room, and when I saw the purported ballots they were lying loose on the floor. The voting was done in the same room I saw the ballots laying.

Question. Did you authorize any person to empty said ballot-box and turn the ballots out loosely upon the floor?—Answer. I did not.

Question. Who was in the room and near the ballots lying loose on the floor when you returned?—Answer. Dr. Young and Judge Carswell, who were the supervisors; George Warnock, who was a clerk, and John H. Perkins, who was a manager, were around the purported ballots lying on the floor.

Question. What did Dr. Young have to do with said election?—Answer. He was supervisor for the republican party.

Question. Did Dr. Young handle the ballot-box, or the loose ballots on the floor?—Answer. He did handle the loose ballots; he said he was assorting them.

Question. Was Dr. Young handling these ballots when you returned and found said ballots loose on the floor?—Answer. He was.

Question. Were there not many loose ballots lying around the room where said election was held, that had not been polled?—Answer. There were some. I do not know how many.

Question. Did any party attempt, on or after the day of said election, to induce you to make up and certify to a return of said election?—Answer. They did.

Question. Please state the name of said party.—Answer. Dr. Young.

Question. What did Dr. Young say to you?

(Counsel for contestant objects to witness stating anything that occurred between himself and Dr. Young unless contestant were present at the time.)

Answer. Dr. Young sent for me to come to see him. I came. He said it would be much better for me to sign up those papers as a manager of said election, as it would save me a great deal of trouble, for by signing them and getting John Perkins to sign them, would put an end to any future trouble. That Sloan would go to Congress any how. He said that I would have to go to Savannah, and be put to a great deal of trouble and expense in February, at the next sitting of the United States court. He also used the argument to induce me to sign said papers, that Sloan was a superior man to Rawls, and that Sloan would go to Congress any way, and it would be best to sign up without any trouble; that he (Young) would get Judge Carswell to sign up also; and that if John Perkins and myself would sign, it would

not make any difference whether Wm. Warnock did or not. He said that it would be to his interest for me to sign the papers.

Question. Were any of the managers of the aforesaid precinct election arrested? If so, when, and by whom?—Answer. Wm. Warnock was arrested by Deputy Marshal Smith. It was after the election in November I think.

Question. How long after said election was it when Warnock was arrested?—Answer. Not more than three weeks, I think, after said election.

Question. Had Warnock been arrested when Young endeavored to get you to certify to this precinct election?—Answer. He had.

Question. Who represented Mr. Andrew Sloan here in this neighborhood since the election in endeavoring to get you to sign and certify to the aforesaid election return, and getting up witnesses to be used in this contest?—Answer. Dr. Young has been representing Mr. Sloan by trying to get me to sign those papers. And I hear that he has been getting up witnesses for Sloan among the negroes at night at their club meetings, and other places, I supposed.

(Counsel for contestant objects to witness stating what he has heard.)

Question. Are you well acquainted with Dr. Young, in this neighborhood, and with the people of this neighborhood?

(Counsel for contestant objects upon the ground that the matter inquired about has no connection with this case.)

Answer. I have known Dr. Young intimately for fourteen years. I was raised here and I know all the people in this neighborhood.

Question. What political party received the majority of the votes polled at the Lawtonville precinct, in the sixty-first district, in Burke County, when the aforesaid election was held, at the October election just preceding the election held for presidential electors and congressmen?—Answer. The democratic party—I mean the candidates of the democratic party—received the majority of votes.

Question. How has the majority of the votes polled at said precinct been in the last several elections, politically?—Answer. Democratic.

(Counsel for contestant objects to the last two questions and answers upon the grounds that there is better evidence of the facts stated. The election returns themselves, of the several elections named, constitute the proper evidence on this point.)

Question. Was there a large number of democratic electors present and voted at the election at the aforesaid precinct on the 5th day of November, 1872?—Answer. There was a large number of men there who voted. They belonged to the democratic party.

Question. Who was known as the democratic candidate for Congress, at that election?—Answer. Morgan Rawls.

Cross:

Question. Did you and William Warnock take and subscribe an oath that you would faithfully superintend the election for presidential electors and member of Congress held on the 5th day of November, 1872, and that you would make a just and true return of that election; if so, did you take and subscribe that oath before you entered upon your duties as managers of said election?

(Contestee objects to the question and to any answer that could be made thereto, upon the grounds that, if such oath was taken, it should be shown by certified copy of the election return, it being better evidence, and because witness cannot testify to what oath other managers took, or recollect the language of the oath he took, if any oath was taken.)

Answer. I took an oath to that effect, I think.

Question. About what time in the day was it that you first saw the ballots lying upon the floor?—Answer. I think it was between 4 and 5 o'clock in the afternoon.

Question. Had you been out of the room and returned, when you first saw them?—Answer. I had, sir.

Question. How long had you been absent from the room?—Answer. I suppose about fifteen or twenty minutes.

Question. Did you go out of your own will?—Answer. Yes, sir.

Question. What reason did you give at the time for not signing the returns?

Contestee objects to the above question and any answer that might be made, on the ground that there was no evidence going to show that a return of said election was made.)

Answer. There was no return made. The ballots were scattered on the floor.

Question. What were the managers engaged about when you left the room?—Answer. We had been counting out until we became tired, and took a recess.

Question. Did any of the rest of the managers beside yourself and William Warnock take a recess at that time?—Answer. I don't recollect.

Question. Was the proposition to suspend and have a recess agreed to unanimously?—Answer. It was.

Question. What was it agreed among the managers should be done with the ballot-box during that recess?—Answer. One of the managers remained in the room with the supervisors and the clerk, while Warnock and myself went out. But before we went it was suggested by Dr. Young that the ballot-boxes be opened and assorted, in order to expedite matters, to which I never consented.

Question. How did it come about that that particular one of the managers remained while you and Warnock went out?—Answer. None but Warnock and myself wanted to leave?

Question. Had J. H. Perkins chosen to go out, would the box have been left in the care of any manager or managers?—Answer. It would have been left in the care of some one or both of the managers. I mean, had John H. Perkins left, myself or Warnock or both of us would have remained.

Question. Did the managers decide by a vote which of the three should remain with the box, or how was this thing decided?—Answer. We did not decide by a vote, but I think that I proposed a recess, and John Perkins volunteered to remain with the ballot-boxes until Warnock and myself returned.

Question. Did you intend to return at the time you went out and then continue in counting out the votes, and to make the usual certified return of the election?—Answer. I did.

Question. How could you certify the truth of the returns, had they been made, when you had left the ballots wholly in the custody and control of another person, while you went out and placed yourself in a condition in which you could not see the ballots or know what might be done with them?—Answer. I left the boxes tied up. I am not sure now, but I think they were fastened some other way. If they had been troubled, one or the other of us would have discovered it.

Question. Did you then feel certain that other ballots could not be put into the boxes, or those already in taken out, without your being able to detect it?—Answer. There could not, I think, have been any taken out. The voting was stopped, and we were counting out the votes,

and they could not have placed any in there without getting the numbers confused, and we could have detected it.

Question. Why, then, did you not verify the ballots that had not been taken out and counted before you went out by an examination of the numbers?—Answer. Because they were scattered on the floor, under the table, and mixed up generally, was one reason.

Question. Do you mean to say that the uncounted votes had been mixed up generally with the votes already counted, or were they mixed up with votes that had never been polled, or were they mixed with both sorts? Explain fully.—Answer. They were mixed with votes that had never been polled and other papers on the floor. I think that some of the counted votes were also mixed with them.

Question. How are you able to swear that the counted and the uncounted votes had both been mixed together and with unpolled votes?—Answer. I did not say positively that the uncounted votes were mixed with the counted votes, but I think they were, for after the confusion was over with we, the managers, went and picked up all the votes and tally-sheets off the floor, sealed them up, and gave them to Mr. Warnock to carry to Waynesborough.

Question. Did you attempt to ascertain by the numbers whether any changes had been made of the votes remaining in the ballot-boxes?—Answer. I did not in that way. I saw the votes were not as we had left them, for they were scattered on the floor.

Question. Explain what numbers you alluded to a while ago, when you said that any changes made in the uncounted ballots would have confused the numbers and enabled you to detect such changes in the uncounted ballots?—Answer. Each vote was numbered on its back as it was polled, and the numbers set down on the list of voters opposite the name of the voter. The boxes were so arranged that I do not think any votes could have been taken out, but there might have been some put in, if there had been fraud on either side, and if there had been any put in the numbers would have conflicted.

Question. Could not a person familiar with the voters and their politics, by referring to the list of names and the numbers placed opposite, put votes with duplicate numbers in the boxes, and thus make the same elector appear to vote for both political parties or candidates, or twice for the same, as the case might be, and still you could not tell whether the voters polled these ballots or whether they were placed in the boxes by some other person in your absence?—Answer. That might be the case, if we had been out long enough for them to hunt up the list of voters. We were not out long enough for them to fix up their tickets and put them in; besides, one of the managers and both the supervisors were in the room overlooking.

Question. Had fraudulent votes been already prepared with proper numbers, could not a considerable number of ballots have been inserted in the way above described?—A. Not without the managers and supervisors seeing them; though it might have been done in their absence or with their connivance.

Question. How were these boxes tied?—Answer. With a string. I do not recollect now with what kind of a string they were tied. I think they were nailed also with tacks, the boxes being cigar-boxes.

Question. Was there anything peculiar about the strings with which they were tied?—Answer. Nothing that I recollect.

Question. Did you seal them with your private seal or any other seal upon going out of the room?—A. I did not.

Question. Then do you not clearly see the changes that might have

been made in the ballots during your absence without any ability on your part to detect the fact?—Answer. There might have been some slight changes made by the consent of the manager and supervisors, without our detecting it on our return, but it would have had to have been very slight, as we were out but a very short time.

Question. If the boxes had been opened, would it not have been an easy matter for one hundred ballots to have been changed and numbered and the boxes reclosed and the strings tied as before during your absence?—Answer. No, not the half of it.

Question. Had the ballots remained in the boxes as when you left the room, and you, after your return, had continued to count out all the remaining ballots, could you have certified of your own knowledge the truthfulness of your return of that election?—Answer. If I had seen the boxes on my return like I left them, and discovered no fraud in the counting out, I would have certified.

Question. Then would not your certificate in that case be based largely upon your confidence in John H. Perkins, Dr. Young, and Judge Carswell?—Answer. I don't think so; it might partly have been so based, but not very largely.

Question. Did you sign any certificate about that election?—Answer. I did not.

Question. How do you know that Dr. Young was, at that election or at any subsequent time, authorized to represent Andrew Sloan, the contestant in this case?—Answer. I don't know it; I have only got his word for it; I do not know it.

Question. Then you do not know that Dr. Young has ever at any time been authorized to represent Andrew Sloan?—Answer. I do not.

Question. Do you of your own knowledge know how many ballots were polled at the precinct in the sixty-first district of Burke County at the election on the 5th day of November, 1872, or which of the two candidates or contestants in this case received a majority of the votes cast at that polling-place?—Answer. I do not.

Question. Did you and William Warnock on your return to the room refuse to proceed further with the count of the ballots cast at the election in question?—Answer. We did.

Question. What reasons did you then give for your refusal?—Answer. That the boxes had been emptied and the ballots scattered on the floor, and handled by others beside the managers.

Question. Did you use, or attempt to use, any influence with John H. Perkins to have him sign any certificate, or other writing bearing upon the subject of the election held on the 5th day of November, 1872, at the polling-place in the sixty-first district of Burke County, Georgia?—Answer. I did not.

Question. Are you acquainted with Judge Carswell and with his standing and character among the people of Burke County?—Answer. I am acquainted with Judge Carswell; he stands high in this district, (the sixty-first.) I think he stands well in the county.

Redirect:

Question. What is the character of Dr. Young and his standing with the citizens of the sixty-first district and of Burke County?—Answer. He is a man of low character, or at least many say so, in this district, as well as the county at large, as he has thrown himself out of white people's society and associates with negroes. (Witness withdraws the latter clause of this answer.)

Question. Do you mean to say that you used three ballot-boxes at the aforesaid precinct election?—Answer. I do.

J. Heath, of the sixty-eighth district, Burke County?—Answer. I know Wash Mobley. I know a Mr. Godbee and a Mr. Heath; don't know them as S. Godbee and S. J. Heath.

Question. What is the character of Mr. Wash Mobley for intelligence and veracity?—Answer. As for intelligence, he is an ordinary man; as to truth and veracity, he stands well among the citizens in that respect.

Question. What is the character of the Mr. Godbee and the Mr. Heath whom you know for intelligence and veracity?—Answer. Mr. Godbee, as for intelligence, is an ordinary man, and unimpeachable as to truth and veracity. Mr. Heath, being a man who has had better advantages, I consider him a man of more intelligence. He is perfectly reliable in every respect.

Question. Are you well acquainted with the citizens of the sixty-eighth district of Burke County?—Answer. Up and down the river, and the part lying next to Mobley's Pond, I am not, only by reputation.

Question. Do you know to what political party a majority of the voters of the sixty-eighth district belong?

(Counsel for contestant objects, on the ground that it has nothing to do with this contested-electien case, unless witness can swear how the voters voted at the November election, at which the parties to this contest were candidates.)

Answer. I cannot answer from my own knowledge; but from past history it is generally democratic. It has heretofore been considered the democratic stronghold of Burke County.

Question. To what political party have the candidates belonged who have usually received a majority of the votes polled in that district?—Answer. I believe generally they have gone for the democratic candidates.

Question. Were you present at the court-house in Burke County on the 6th day of November, 1872?—Answer. I was.

Question. Were there any precinct returns brought to the court-house for consolidation after 12 o'clock m., the time prescribed by law for precinct returns to be brought in?—Answer. There were none brought to the court-house, but the returns from Lawson's district were brought to the clerk's office of the superior court for consolidation, as near as I can recollect, about forty minutes after 12 o'clock that same day, by a Mr. J. W. Grubbs.

Question. Was that return consolidated with the other precinct returns of Burke County?—Answer. I think it was.

Question. Were you arrested upon any charge of mismanagement of the aforesaid election? If so, when and by whom?—Answer. I was arrested by United States Deputy Marshal Smith for mismanagement of the election at this place, some time in the latter part of November. I was charged with a violation of the enforcement act.

Question. Where did United States Deputy Marshal Smith take you to when he arrested you?—Answer. To Savannah.

Question. What is the distance from here to Savannah?—Answer. I think it is about eighty-nine and three-fourths miles.

Question. How long were you detained in Savannah under this arrest?—Answer. I think it was about 10 o'clock on Friday morning I was released under bond, but remained in Savannah two days. I waived a preliminary examination. On Saturday my case was taken before the grand jury.

Question. What was the result of your case with the grand jury?—Answer.—I can't say what it was. I don't know yet, only from hearsay, which was to the effect that no bill was found against me.

Question. Was there any effort made, or any inducements offered to you by any person, to get you to certify to the election held at Lawtonville, in the sixty-first district, on the 5th day of November, 1872?—Answer. I prefer not answering the question.

(Counsel for contestant objects to the entire direct examination, to all the questions and answers of this witness, on the ground of vagueness, and as having no bearing upon the issue between the parties in this case.)

Cross:

Question. Can you give the names of the voters of the sixty-eighth district?—Answer. I cannot.

Question. Can you tell the number of the voters in that district?—Answer. From my own knowledge I can't.

Question. Do you know how many republicans and how many democrats there are in the sixty-eighth district?—Answer. I don't know the number of either.

Question. When you say, in your direct examination, that the election returns from Lawson's precinct arrived at the clerk's office about forty minutes after 12 o'clock on the 6th day of November last, do you mean mean time or sun time?—Answer. I will say mean time.

Question. What facilities had you for accurately determining the time for the arrival of these returns?—Answer. Pocket time-pieces.

Question. Do you swear that you know, certainly, that these returns did not arrive at the clerk's office on the 6th day of November last until after 12 o'clock?—Answer. From the time kept by over a half dozen gentlemen, I do, one of the gentlemen being Mr. Grubbs.

Question. On the day on which Morgan Rawls and Andrew Sloan were voted for for Congress, in November last, did any voters residing outside the sixty-first district cast their ballots at the Lawtonville precinct?—Answer. They did.

Question. Will you state, if you can, about how many votes were cast at the time and place mentioned, residing outside the sixty-first district?—Answer. I suppose between 75 and 150. A goodly number of them were from the sixty-fourth and seventy-fifth districts. Some from Atlanta and some from Richmond County voted there.

No. 1, A. & S. R. R., *March* 29, 1873.

Examination of WILLIAM WARNOCK resumed:

Redirect:

Question. You stated in your direct examination that you made a partial return of said precinct election. Are you not mistaken when you say return? Did you make any statement tending to show the result of said election in the sixty-first district on the 5th day of November, 1872, with the oath and certificate of managers attached thereto?

(Counsel for contestant objects because witness has sworn that he was on the occasion referred to a sworn manager of said election, and as such bound by his official oath to make a return of the facts that transpired at that precinct. It is here inquired of the witness whether he did an illegal act as such manager.)

Answer. I am not mistaken as to making a partial return. I consider that it takes the ballots, list of voters, tally-sheets, and certificate of

return to make a return. I made no more statement than I have mentioned.

Question. Did the partial return you made show the number of votes each candidate received at that election?—Answer. It did not, only by the ballots themselves. There was no consolidation made. We did not make up and certify to the election returns.

Question. Did you or any other managers certify that the ballots you sent up were the ballots polled at that election?—Answer. I did not; and I don't think any of the others did, unless they did so after that day.

Question. Did you ever know that the ballots you sent up were the ballots polled that day at said election?—Answer. I can't answer that I know them to be.

Question. Why did you not make up, certify to, and send forward to the court-house, for consolidation with the other precinct returns of Burke County, the ballots polled at that precinct, or the result of the election at said precinct?—Answer. Because in the evening after the voting was closed we had a recess, two of the managers left the room, leaving the boxes in the charge of the third manager until we returned. When I returned I found the ballots out of the boxes and on the floor, in such a condition that I could not certify to the number or for whom they were cast, the boxes having been opened and the ballots taken out in the absence of H. L. Perkins and myself, two of the managers.

Question. Were there any loose election-tickets lying around that had not been polled by any elector at that election?—Answer. There were a few; I don't think very many.

Question. Did you make an effort, when you returned and found the ballot-boxes emptied on the floor, to verify the list of voters; and what did that effort show?—Answer. I did not. Mr. John H. Perkins, one of the managers, and Dr. Young, one of the supervisors, said they could not make them agree; that there were seven ballots short, or over, I disremember which.

Question. How long were you and H. L. Perkins absent from the room during this recess, when these ballot-boxes were emptied upon the floor?—Answer. I think it was about fifteen or twenty minutes; it might have been longer, or not so long; it was a short time.

Question. Before leaving the room, in attempting to tally any of the ballots, did you call out to the clerks Wheeler and Wilson, and Grover and Baker, for the purpose of having tallies made thereof?—Answer. I did not.

Question Did you upon leaving the room remark that you would not return, or say that you were tired and were going home, and did not care to count out republican tickets?—Answer. I did not.

Question. Did H. L. Perkins make any such remark?—Answer. Not in my hearing. We left the room together.

Question. Did you return to the room for the purpose of completing said election; and would you have carried out that intention had it not been for finding the ballot-boxes emptied and the ballots scattered on the floor?—Answer. I did return for that purpose, and would have done it, had it not been for that cause.

Question. Did you ever state to Dr. Young that a report he made of said election as supervisor was correct?—A. I did not, and did not know that he had made one, only from hearsay.

Question. Were you at this place on the 21st and 22d days of February, 1873, when testimony was being taken for Andrew Sloan, the contest-

ant?—Answer. I was here on the 21st, and passed here on the morning of the 22d.

Question. Did you see any of the negroes whom he (Mr. Sloan) used as witnesses on that occasion?—Answer. I did.

Question. Did you know or have any idea of the place or places of residence of any of said negroes?—Answer. Of two or three of them I did, because they lived on their own land. The others, I don't know where they lived then, only from hearsay. Neither do I know now. I consider the most of them itinerants.

Question. Did you hear any of them say where they lived?—Answer. I did. The most particular place I heard them speak of which I recollect was at Mr. Tom Oliver's quarters, in Burke County, in the sixty-eighth district.

Question. Do you know Mr. Tom Oliver in the sixty-eighth district, Burke County?—Answer. I know him as a Scriven County man, and not as a Burke County man.

Recross:

Question. Were you properly sworn as a manager of the election about which you have been testifying?—Answer. I was.

Question. Did you superintend that election up to the time you left the room, at the time spoken of in your direct examination?—Answer. I assisted in holding it as one of the managers.

Question. Had any votes been counted out at the time you left the room?—Answer. There had.

Question. Can you state how many, and how they were apportioned between the two candidates, Morgan Rawls and Andrew Sloan?

(Contestee objects to the question, and to any answer that may be made thereto, on the grounds of incompetency of a manager of election to prove the result of that election in any other mode, only by the certified return made up, and sent forward by such managers, that return being better evidence.)

Answer. As well as I remember, I think there were 180 some odd. Can't say how they were apportioned, unless I could see the tally-sheets on which they were kept.

Question. Did any other person, either manager or supervisor, except yourself and H. L. Perkins, take a recess and leave the ballot-boxes at the time about which you have been testifying? I allude to the time of your absence during which the tickets had been taken out of the boxes and laid upon the floor, where you have testified you found them upon your return.—Answer. It was understood between us that, after we counted out the ballots I have testified about, we all take a recess for a short time. J. H. Perkins, one of the managers, said he would remain with the boxes until we got ready to count out again. I went to Mr. Clark's house for the purpose of getting a drink, and can't say whether J. H. Perkins and Dr. Young left the room during the time or not.

Question. Did J. H. Perkins distinctly promise to remain by the boxes and keep them safely, or did you seal them up, and place them in some secure place where access to them could not be had in your absence?—Answer. I think he did. I think he did so voluntarily. All the ballots had been counted out from one of the boxes; the others were tied with a twine, and, if I remember rightly, with one tack about the center of the edge of the box, fastening down the top. I considered the room perfectly secure. Had the other manager and supervisors come out and locked the door, the ballots would have been secure.

Question. Did you or not leave the doors of the room open when you

left, and the boxes in the exclusive custody and control of the remaining manager and the two supervisors?—Answer. The door at the south end of the room was kept locked with the key on the inside; the door of the room entering into the store was also kept locked on the inside, only when one of us clerks, managers, or supervisors would pass out or in, then it was also secured. I left them there, believing them to be secure, from the safety of the room and believing that leaving them in charge of Mr. Perkins that they were safe.

Question. Were the boxes left so that they might have been handled and opened by the persons in the room, had those persons been disposed to do so?—Answer. They did handle, open, and empty them—some one did—I don't know who it was. I did not see them opened.

Question. Did you leave the room of your own accord?—Answer. I did; I was not forced from it by any one.

Question. What reason did you give to J. H. Perkins, whom you left in custody of the boxes, for refusing, upon your return to the room, to proceed further with the count of the remaining ballots?—Answer. On my return to the room and finding them in this confusion, I asked him why it was they had the ballots in that fix; he answered that, at the suggestion of Dr. Young, to save time, they had agreed to take them out and sort them, and by so doing it would take less time. I asked him if they tallied. Dr. Young replied that there was a difference of seven or eight votes. J. H. Perkins then said to me, "Let's make it up," (referring to the return,) "and get through with it." I stated to him the ballots being taken out without the knowledge or consent of H. L. Perkins and myself, that I could not certify to the returns as correct, the remaining box having been opened and counted while we were from the room; that he had no right to open and count the ballots only in the presence of the managers.

Question. Please state who, prior to the time you left the room, had been taking the votes out of the boxes, who called them out, and who kept the tally-sheet.—Answer. I took the ballots from the box; I called them out. J. H. Perkins, H. L. Perkins, two of the managers, and G. O. Warnock kept the tally-sheets. Neither of us was relieved during the counting of the votes testified about up to the time we took the recess.

Question. Might not the votes in the box and uncounted when you went out have been taken out and put back without your knowledge?—Answer. They might.

Question. Did you consider the fact that your fellow manager, J. H. Perkins, had taken the uncounted votes out of the box sufficient reason for you to decline to make up and certify a return of that election?

(Contestee objects to the question, on the grounds that the testimony in no place shows the fact alleged in the question, to wit, "that your fellow manager, J. H. Perkins, had taken the uncounted votes out of the box.")

Answer. I did not say that Mr. Perkins opened the box; but, from the fact of the box being opened, the ballots being taken out, I considered it good and sufficient reason for not making up and certifying to said election.

Question, When you say, "the remaining box having been opened and counted," what do you mean; particularly what do you mean by saying it had been counted?—Answer. I mean this, that on my return to the room and finding the ballots in the condition I did, and asking the question why it was, I was answered by J. H. Perkins, or Dr. Young, or both, that they had laid them there, assorted as they were, to count

them, as it could be done quicker than calling them out one at a time; and that is what I mean particularly by counted, and not that they were regularly counted and tally-sheets completed.

Question. Please state, to the best of your recollection and knowledge, whether upon your return to the room you had any reason to believe that the tally-sheets had been in anywise changed during your absence.—Answer. I can't say I have no reasons to suspect that they were changed in any way, but I am inclined to believe that they were as we left them when we took a recess. On my immediate return I did not examine them. From having seen them afterward I don't recollect that any change had been made on them.

Question. Can you state, on your own knowledge, that there was a discrepancy between the ballots polled and the list of votes as kept?—Answer. I cannot.

Question. What did J. H. Perkins say, if anything, about proceeding with the count and the completion of the returns, when you refused to proceed further?

(Contestee objects to the question, or any answer witness may make thereto, it being hearsay testimony.)

Answer. I don't recollect.

Question. Did he or not show a willingness on his part to proceed with the count?

(Contestee objects to the question on the grounds that it seeks to obtain only the witness' opinion of another man's intentions.)

Answer. It is a hard question for me to answer with any certainty, there being so much deception among men that it is a hard matter to arrive at their intentions. (Stick a pin.)

Question. Did J. H. Perkins, the time we are now referring to, refuse to proceed with the count of the ballots?—Answer. He did not, I think.

Question. Can you give the names of any of the negroes who you swear in this case, upon a former occasion, that they lived on Tom Oliver's place?—Answer. I cannot.

Question. Can you state how much land Tom Oliver has, or had on the 5th day of November last, in his place?

Answer. I cannot.

Question. Do you swear that this man, Tom Oliver, does not own land in Burke County?—Answer. I do not.

Question. What were the politics of the managers of the election held on the 5th day of November last, in the sixty-first district?—Answer. Democratic.

WM. WARNOCK.

H. C. GLISSON sworn.

I reside in the sixty-first district of Burke County, Georgia. I am a lawyer by profession. I am one of the representatives of Burke County, in the legislature of Georgia. I am generally well acquainted with the citizens of the sixty-first district.

Question. What is the political status of the sixty-first district?—Answer. Judging from the results of the elections, it is democratic.

Question. Was there an election held in said district in October preceding the election for presidential electors and a member of the Forty-third Congress?—Answer. There was.

Question. What was the result of that election, politically?—Answer. It was democratic.

Question. Were you present at an election held in that district on the 5th day of November, 1872, when Morgan Rawls and Andrew Sloan were candidates for Congress?—Answer. I was.

Question. Were there a goodly number of democratic electors at said election?—Answer. There were.

Question. Are you acquainted with S. I. Heath, Simeon S. Godbee, and Washington Mobley, of the sixty-eighth district, Burke County?—Answer. I am.

Question. What is the character of the gentlemen named in the foregoing question for intelligence and veracity?—Answer. Good.

Question. From your knowledge of and acquaintance with the aforesaid gentlemen, do you believe that they could be induced to make out a false return of an election?—Answer. Judging from their high character, I should say they could not.

Question. Is their education sufficient to enable them to make up a correct return of an election?—Answer. I think it is. I know Heath to be a man of fair education.

Cross:

Question. Please state which of the two political parties, as represented by the gubernatorial candidates, received a majority of the votes cast in this State, at the October election in 1872, and what that majority was.

(Contestee objects to the question, and the witness stating what the majority of any election was, the returns of said elections being better evidence.)

Answer. The democratic candidate for governor received a majority. I do not know the precise majority; it was something over 60,000, I think.

Question. About what was the majority of the successful party in this State at the presidential election held on the 5th day of November, 1872, and the name of that party?

(Contestee enters the same objection as to the preceding question.)

Answer. The Grant or radical wing of the republican party was successful in the United States at large. The Greeley party was successful in Georgia. I think the Greeley majority in Georgia was about 20,000.

Question. Do you know anything about the election as to fairness, held in the sixty-eighth district of Burke County, on the 5th day of November, 1872, or anything about the correctness or incorrectness of the returns made for that district and for that election?—Answer. I do not.

Redirect:

Question. Did you see anything, or could you have seen anything there in reference to the management of the election in the sixty-eighth district, when you state in your direct examination that you were present at the election in the sixty-first district?—Answer. I could not have seen anything at the sixty-eighth district when I was at the sixty-first district, when they are fifteen or sixteen miles apart.

Question. Did you see anything connected with the management of the election in the sixty-first district that would have prevented you, had you been a manager, from making out and certifying to and sending forward for consolidation a return of the election held on the 5th day of November, 1872?

(Counsel for contestant objects to contestee's entering anew upon the direct examination, or to his inquiring about anything not strictly in rebuttal of evidence brought out by the cross-examination.)

Answer. I saw nothing up to the time of closing the polls. Had I

been a manager, and during my absence from the room the ballots had been molested, and upon a count of said ballots they had not corresponded with the list of voters, I certainly should not have certified to the correctness of the return, which I believe to be a fact from what I have heard.

Recross:

Question. Please state whether or not you were present after the closing of the polls in the sixty-first district, on the 5th day of November, 1872, and during the counting of the votes cast at that time and place.—Answer. My recollection is I was not, until the confusion occurred, when I was asked to go to the door of the room and see what a confusion things were in.

Question. Was it possible for managers who had absented themselves after the counting of the vote had proceeded, and before it had been finished, to certify, of their own knowledge, the truth of any returns that might be made of such election, especially when the ballots were in cigar-boxes tied with twine strings, and left in the care and custody of other people, in a room locked on the inside, while such managers were absent from that room for the space of fifteen or twenty minutes, more or less?—Answer. I think they could have done so if upon their return an examination had convinced them to a moral certainty that there had been no change.

Question. Could managers, under the circumstances just described, have made an examination that could have produced conviction that to a moral certainty there had been no change during their absence?—Answer. I think it highly probable they could.

Question. Might not the ballot-boxes have been opened, the ballots taken out, and others put in with numbers corresponding exactly to those taken out, being in every other particular the very reverse of those taken out, and yet such managers be utterly unable to detect the change?—Answer. I think it possible but not probable that such a change might have been made in so short a time.

Question. If parties in that room, during the absence of such managers, had been previously provided with tickets numbered in great quantities corresponding with the numbers of the ballots in the boxes, and in the same handwriting, (I mean the numbers,) might they not, under such circumstances, make a large number of changes in fifteen or twenty minutes?

(Contestee objects to the question and answer thereto as it seeks to obtain only the witness's opinion as to things not shown to exist in any testimony taken in this contest.)

Answer. In the case supposed there might, but not when the parties remaining in charge of the ballots were representatives of each of the political parties in the field.

H. C. GLISSON.

J. H. BLOUNT sworn:

I reside at Waynesboro', Georgia. I am pretty well acquainted with the citizens of Burke County. I am acquainted with Heath. Can't say than I am with Godbee and Mobley.

Question. What is their character, from what you know of them, for intelligence and veracity?—Answer. Good.

Question. Do you know the leader of the republican party of Burke County?

(Counsel for contestant objects to the question on the ground that it has no bearing upon the issue between the parties to this contest.)

Answer. Yes, sir; I think I do. His name is Jesse Wimberly.

Question. Who were the candidates for Congress at the election held on the 5th day of November, 1872, in Burke County and in the first congressional district?—Answer. Sloan was the republican and Rawls the democratic candidate.

Question. Did you, prior to or on the day of said election, hear anything of a probable contest to be made between Andrew Sloan and Morgan Rawls after the election? If so, what did you hear, and by whom was it said?

(Counsel for contestant objects on the ground that what was said prior to the election cannot possibly affect one way or another the merits of this contest. The facts elicited by examination, under oath, in this contest, will show whether the contestant has grounds of contest.)

Answer. I heard, through Jesse Wimberly and B. F. Duke, that Mr. Rawls would not be permitted to take his seat if he received a larger number of votes than Mr. Sloan.

Question. To what political party does B. F. Duke belong?—Answer. Republican party.

Question. Is this the same Jesse Wimberly who you said in a previous answer in this testimony was the leader of the republican party in Burke County?—Answer. He is the same man.

Question. How long have you resided in Burke County?—Answer. Sixty-six years.

Cross:

Question. Please state the conversation in full which Wimberly and Duke had in which they said Mr. Rawls would not be seated if he did receive more votes than Sloan, giving the time of said conversation.—Answer. The conversation occurred at different times in speaking of Rawls and Sloan, the candidates for Congress in the first congressional district, when I said Rawls would get the most votes; and they said, if he did, he would not be permitted to take his seat.

Question. What reason did they give for such assertion?—Answer. None that I recollect.

Question. About how many males of the negro race twenty-one years old and upward are in Burke County?—Answer. I don't know. I knew five or six years ago; it was 2,000 or 3,000.

Question. Has there been a marked increase or decrease since then?—Answer. I think there has been a decrease.

Answer. How many white voters are there twenty-one years old and upward in Burke County?—About 800 or 900.

T. H. BLOUNT.

UNITED STATES OF AMERICA,
Southern District of Georgia, ss:

I, James McPherson, clerk of the district court of the United States for the southern district of Georgia, do hereby certify that John Erskine, esq., who signed the within certificate, is, and was at the time of signing the same, a judge of the district court of the United States for the southern district of Georgia, duly commissioned and qualified; and that

full faith and credit ought to be given to his acts and attestations, given as such.

In witness whereof I have hereto set my hand and the seal of said court, this 23d day of August, in the year of our Lord one thousand eight hundred and seventy-three.

[SEAL.] JA'S McPHERSON,
Clerk District Court of said District.

UNITED STATES OF AMERICA,
Southern District of Georgia, ss :

I, John Erskine, judge of the district court of the United States for the southern district of Georgia, do hereby certify that James McPherson, who signed the within certificate, is, and was at the time of signing the same, the clerk of the district and circuit courts of the United States for the southern district of Georgia; that full faith and credit ought to be given to his acts and attestations given as such, and that his said certificate and authentication of the foregoing transcript is in due form.

In witness whereof I have hereto set my hand this 23d day of August, in the year of our Lord one thousand eight hundred and seventy-three.

JOHN ERSKINE,
Judge of the District Court of said District.

GEORGIA, *Chatham County:*

Personally appeared John J. Newton, who, being duly sworn, deposes and says: That, in the matter of the contested election between Andrew Sloan, contestant, and Morgan Rawls, contestee, for member of the Forty-third Congress from the first congressional district of the State of Georgia, he, the said Newton, being a duly and legally appointed notary public in and for the county of Chatham, in said district and State, under an agreement between the said Sloan and Rawls, took down and reduced to writing in his said official capacity, all the testimony taken on the part of said Sloan, and forwarded the same to the clerk of the House of Representatives of the United States; that he, also, under said agreement, attended the examination of witnesses on the part of Morgan Rawls, the contestee, and reduced the testimony of said witnesses to writing with care, caution, and exactness; that he was at the examination of Mr. Rawls's witnesses at No. 5 station of the Georgia Central Railroad, on the twentieth and twenty-first days of A. D. eighteen hundred and seventy-three, and then and there took down and reduced to writing the testimony given in said contest by C. A. Sorrier of Bulloch County, Georgia, and by E. J. Sheppard of Scriven County, Georgia, as the words fell from the lips of said witnesses, and that he took the same down accurately and carefully; and further, that the foregoing nine sheets of paper numbered from 1 to 9, inclusive, contains or is a full, true, exact, and complete duplicate or copy of the said testimony so taken by said Rawls, at said time and place, through his notary, a Mr. Brewer, and which is alleged to have been destroyed by fire, with the exception of the formal commencements and conclusions, and the exhibits referred to and mentioned in said testimony; that the testimony as given by the said witnesses is fully and completely set out in said duplicate or copy, and is identical with that purported to have been destroyed by fire; that he took down and reduced to writing said testimony with the same care, fidelity, truthfulness, and exactness

that he did the testimony of said Sloan; and that no more true, correct, and faithful duplicate copy or second original ever could or can be made of said testimony so given in the presence of this deponent, and by him in presence of said witnesses, the contestee and the attorney of contestant, reduced to writing. And the said deponent further swears that he was present at No. 1 station, on the Augusta and Savannah Railroad, in the county of Burke, in said district and State, when Morgan Rawls, contestee, examined his witnesses there, and that he took down all of the testimony of the witnesses so examined, viz, the testimony of H. L. Perkins, Wm. Warnock, H. C. Glisson, and T. H. Blount, and that he reduced said testimony then and there to writing as it fell from the lips of the witnesses, under the agreement between said Sloan and Rawls, above referred to, and that the foregoing twenty-seven sheets of paper, numbered from 1 to 27, inclusive, contains, is, and embraces the true and exact duplicate and copy of said testimony taken at said place, and alleged to have been destroyed by fire; and that all the allegations above made in reference to Mr. Rawls's testimony, taken at No. 5, Central Railroad, are applicable to this, and he makes them as fully and completely. And deponent further swears that no more full, exact, and complete duplicate or copy of the testimony could have been made, for this is identical with that taken by Mr. Brewer for Mr. Rawls, at said place. Deponent swears the testimony in both cases and places, as above set forth, is verbally correct and true; that such was the object he was sent there for, and that he carried it out strictly, exactly, and faithfully.

JNO. J. NEWTON.

Sworn to and subscribed before me this August 23, A. D. 1873, at Savannah, Georgia.

[SEAL.] JAS. McPHERSON,
Clerk United States District Court Southern District of Georgia.

STATE OF GEORGIA,
Chatham County:

I, James McPherson, clerk of the United States district court for the southern district of Georgia, hereby certify that I am well acquainted with John J. Newton, who signed the foregoing affidavit; that he signed and swore to the same in my presence, and that he is a person whose acts and sayings are entitled to full faith, credit, and belief.

In witness whereof I have hereto signed my name, and attached my seal of office, this the 23d day of August, A. D. 1873.

[SEAL.] JAS. McPHERSON,
Clerk United States District Court Southern District of Georgia.

SAVANNAH, GEORGIA:

Personally appeared John J. Newton, who, being duly sworn, says that, on the 11th day of September, A. D. 1873, he served a true and exact copy of the within testimony upon Morgan Rawls, contestee.

JNO. J. NEWTON.

Sworn to and subscribed before me November 26, 1873.

[SEAL.] M. J. O'DONOGHUE,
Notary Public, Chatham County, Georgia.

EXHIBIT R.—*Consolidated return.*

OF GEORGIA,
Bulloch County:

he undersigned, a majority of the managers of the court-house, manager from each other voting-place, of an election held in ounty on the 5th November, 1872, for a member of Congress to it the congressional district in the 43 Congress of ted States, and for electors for President and Vice-President of ted States, do certify that we have this day met and consoli- ie returns of the other voting-places with the court-house, and following is the result:

candidates for 43 Congress.	Number of votes polled.
Rawls received	568
Sloan	nothing

candidates for electors.		Number of votes polled.
te at large:		
Hartridge	received	563
Vofford	"	563
gton Poe	"	563
. Benning	"	563
., H. G. Turner	"	563
Robt. N. Ely	"	563
W. I. Hudson	"	563
J. M. Pace	"	563
Henry R. Casey	"	563
J. N. Dorsey	"	553
E. D. Graham	"	563
kerman	"	0
ıley	"	0
ltone	"	0
ınson	"	0
ones	"	0
Merrill	"	0
iffin	"	0
ine	"	0
ırsyth	"	0
sher	"	0
linger	"	0

ve herewith enclose a list of voters, and tally-sheet, and return voting-place, with the managers' oath.
ess our hands and seals this 5th November, 1872.

D. C. PROCTOR,
J. C. DELOACH,
JOHN GREEN,
M. J. GREEN,
DAVID BEASLEY, SEN.,
W. F. SANDERS, *Managers.*

OFFICE SECRETARY OF STATE, GEORGIA,
Atlanta, December 27, 1873.

by certify that the above is a true and correct copy of the origi-

nal consolidated return from Bulloch County, State of Georgia, of election held on 5th November, 1872, from the files of this office.

Given under my official signature and seal.

N. C. BARNETT,
Secretary of State.

EXHIBIT S.— *Precinct returns.*

STATE OF GEORGIA,
County:

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary or freeholders, (as the case may be,) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor knowingly prohibit any one from voting who is entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so: So help me God.

Superintendents.

Sworn to and subscribed before me this fifth day of November, 1872.
E. J. SHEPPARD,
Justice of the Peace.

STATE OF GEORGIA, *Scriven County:*

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at precinct 259th dist., in the county of Scriven, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors for President and Vice-President of the United States; and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for electors.		Number of votes polled.
W. T. Woffood	received	(36) Thirty-six.
H. L. Benning	"	(36) Thirty-six.
Washington Poe	"	(36) Thirty-six.
Julian Hartridge	"	(36) Thirty-six.
H. G. Turner	"	(36) Thirty-six.
R. N. Ely	"	(36) Thirty-six.
W. I. Hudson	"	(36) Thirty-six.
J. M. Pace	"	(36) Thirty-six.
H. R. Casey	"	(36) Thirty-six.
J. R. Dorsey	"	(36) Thirty-six.
E. D. Graham	"	(36) Thirty-six.

For President:

Charles O'Conner ..... (6) Six.

EXHIBIT T.

GEORGIA, *Screven County:*

The following is a list of the names of those voting in this day's election at the election precinct of the 259 district, Georgia militia, of said county, for one member of Congress for the first congressional district to the 43d Congress, and also eleven electors for President and Vice-President of the U. S:

	Names.		Names.
1	H. Hubert.	22	R. Nelson.
2	N. Lanier.	23	W. M. Lucas.
3	S. I. Brinson.	24	H. C. Evans.
4	S. L. Morton.	25	E. J. Lee.
5	I. M. Marsh.	26	R. S. Lucas.
6	H. Hodges.	27	D. M. Lee.
7	S. E. Marsh.	28	E. J. Sheppard.
8	I. W. Hodges.	29	J. W. Evans.
9	E. T. Robbins.	30	R. S. Flake.
10	H. H. Farmer.	31	J. A. Morgan.
11	G. B. Conner.	32	D. I. Archer.
12	H. Evans.	33	W. Woods.
13	I. M. Lucas.	34	R. H. Conner.
14	B. A. Hodges.	35	R. T. Newton.
15	B. F. Marsh.	36	E. T. Conner.
16	P. B. Hodges.	37	T. N. Jinkins.
17	T. Hodges.	38	Washington Roach.
18	R. Lucas.	39	Jas. W. Lee.
19	Goliah Jones.	40	F. Johnson.
20	Harry Adams.	41	S. D. Conner.
21	S. Anderson.	42	R. E. Falligant.

HEZEKIAH EVANS,
R. S. FLAKE,
E. J. SHEPPARD, *J. P.*,
Managers.

GEORGIA, *Scriven County:*

Tally-sheet kept at the election held at the election precinct of the 259th district, Georgia militia, in said county, for the election of one member of the House of Representatives in the U. S. Congress for the 1st congressional district to the 43d Congress, and also of eleven electors of President and Vice-President.

FOR CONGRESS.

Morgan Rawles, v v v v v v i—31.
Andrew Sloan, i i i i—4.

FOR ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

W. T. Woffood, v v v v v v v i—36.
H. L. Benning, v v v v v v v i—36.
Washington Poe, v v v v v v v i—36.
Julian Hartridge, v v v v v v v i—36.
H. G. Turner, v v v v v v v i—36.

R. N. Ely, v v v v v v v i—36.
W. I. Hudson, v v v v v v v i—36.
J. M. Pace, v v v v v v v i—36.
I. R. Casey, v v v v v v v i—36.
J. N. Dorsey, v v v v v v v i—36.
E. D. Graham, v v v v v v v i—36.

FOR PRESIDENT.

Chas. O'Conner, v i—6.

HEZEKIAH EVANS,
R. S. FLAKE,
E. J. SHEPPARD, *J. P.*,
Managers.

Names of candidates for Forty-third Congress. Number of votes polled.

Morgan Rawles received ..... (31) Thirty-one.
Andrew Sloan ..... (4) Four.

Which will fully appear by reference to the enclosed list of voters and tally-sheet.

Given under our hands and official signatures this fifth day of November, 1872.

HEZEKIAH EVANS,
R. S. FLAKE,
E. J. SHEPPARD, *Justice of the Peace,*
Superintendents.

OFFICE SECRETARY OF STATE, GEORGIA,
Atlanta, December 27th, 1873.

I hereby certify that the above and foregoing one page, with tally-sheet and list of voters attached, is a true and correct copy from the original on file in this office, and that the brown envelope herewith, marked "Election returns from the 259th dist., G. M., 5th Nov'r, 1872," with other endorsements thereon, is a verbatim copy taken from the original of file in this office.

Given under my official signature and seal.

[SEAL.]

N. C. BARNETT,
Secretary of State.

EXHIBIT U.—*Envelope.*

Election returns from the 259th dist., G. M., 5th Nov., 1872.

TO THE MANAGERS OF THE CONSOLIDATION OF ELECTION RETURNS, *at Sylvania, Ga.:*

This precinct vote is thrown out for non-compliance with the law, and resealed.

ALEX. J. LAWTON, JR., *Freeholder.*
WILLIAM J. GROSS, *Freeholder.*
JOSEPH J. ARNETT, *Freeholder.*
W. G. WATTERS, *Freeholder.*
HOWELL SASSER, *Justice of Peace.*
LEWIS GROVENSTIEN, *Freeholder.*

Rec'd this from Hon. John C. Dell Jan'y 9, 1873. I opened in his Presence.

D. G. COTTING,
Sec'y of State.

(On back :)

HEZEKIAH EVANS,
R. S. FLAKE,
EMMET J. SHEPPARD, *Justice of the Peace,*
Freeholders.

EXHIBIT V.

SYLVANIA, SCRIVEN CO., GA., *Novem. 8th*, 1872.

Mr. A. W. STONE:

SIR: I herewith enclose a copy of commission; the other supervisor did not serve because his papers were for the 36th dist., and he would not subscribe to the oath.

We had some difficulty in getting managers, the U. S. deputy marshal having been here the day before, (as he said,) after the managers of the October election, and from threats of the radical party they were afraid to serve.

Everything went off quiet. I never saw a more quiet election. I was present through the whole day, and saw every vote polled and counted. I was present at the consolidation. There was one dist. thrown out because the managers did not subscribe to the oath of office. It nearly all democratic.

Yours, respectfully,

A. H. MATHEWS, *M. D.*

I hereby certify that the foregoing is a true copy of the report of A. H. Mathews, one of the supervisors ot election at Sylvania, Scriven County, Georgia, at the time stated in said report.

In witness whereof I hereto set my hand—having no seal of office—this December 30th, 1873.

AMHERST W. STONE,
Late Supervisor of Election, Southern District of Georgia.

CAMERON, *November 8th*, 1872.

Mr. A. W. STONE:

I send you below the result of our election in this, the 259 dist., Scriven Co., Ga., on 5 inst., presidential electors for Greeley:

Each elector	36
Morgan Rawls, for Congress	31
Andrew Sloan	4
Charles O'Connor, for President	6

J. W. EVANS.

I here certify that the foregoing is a true copy of the report of J. W. Evans, one of the supervisors of the election at Cameron, Scriven County, Georgia, at the time stated in said report.

In witness whereof I hereto set my hand—having no seal of office—this December 30th, 1873.

AMHERST W. STONE,
Late Supervisor for Southern Dist. of Georgia.

EXHIBIT X.—*Precinct returns.*

STATE OF GEORGIA, *Bulloch County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor knowingly prohibit any one from voting who is entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so: So help me God.

D. C. PROCTOR,
N. P. & Ex. O. J. P.
H. A. RIGGS,
M. M. RIGGS,
Superintendents.

Sworn to and subscribed before me this fifth day of November, 1872.
C. A. SORRIER,
Ordinary, Justice of the Peace.

STATE OF GEORGIA, *County:*

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at Statesboro', in the county of Bulloch, for a member of Congress to represent the first congressional district in the 43d Congress of the United States; and for electors for President and Vice-President of the United States; and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for electors.	Number of votes polled.
W. T. Wofford received	134
Washington Poe "	134
Henry L. Benning "	134
Julian Hartridge "	134
Rob't N. Ely "	134
W. I. Hudson "	134
J. M. Pace "	134
Henry R. Cason "	134
J. N. Dorsey "	134
E. D. Graham "	134
X. G. Turner "	134
A. T. Akerman received	00
Ben. Conley "	00
A. W. Stone "	00
Joel Johnson "	00
W. B. Jones "	00
W. W. Merrill "	00
Joel R. Griffin "	00
J. F. Shine "	00
C. D. Forsyth "	00
G. S. Fisher "	00
C. A. Ellington "	00

Names of candidates for Forty-third Congress.	Number of votes polled.
Morgan Rawls received	138
Sloan	000

Which will fully appear by reference to the enclosed list of voters and tally-sheet.

Given under our hands and official signatures this 5th day of November, 1872.

D. C. PROCTOR,
N. P. & Ex. O. J. P.
H. A. RIGGS,
M. M. RIGGS,
Superintendents.

OFFICE SECRETARY OF STATE, GEORGIA,
Atlanta, December 27th, 1873.

I hereby certify that the above and foregoing one page contain a true and correct copy of the original return on file in this office, with names of electors attached to first page, and that the tally-sheet and list of voters is on file in this office.

Given under my official signature and seal.

[SEAL.] N. C. BARNETT,
Secretary of State.

EXHIBIT "Y."—*Precinct returns.*

STATE OF GEORGIA, *Bulloch County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor knowingly prohibit any one from voting who is entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so: So help me God.

C. S. MARTIN,
CUYLER NEVILLS,
JOHN C. DE LOACH,
Superintendents.

Sworn to and subscribed before me this 5th day of November, 1872.
JOHN C. DE LOACH.
Justice of the Peace.

STATE OF GEORGIA, *Bulloch County:*

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at Briar Patch, in the county of Bulloch, for a member of Congress to represent the first congressional district in the 43d Congress of the United States, and for electors for President and Vice-President of the United States; and we, the superintendents, do hereby certify that upon counting out the votes polled, the following is the result:

For the State at large.	Votes polled.
W'm T. Wofford	93
Washington Poe	93
Henry L. Benning	93
Julian Hartridge	93

Names of candidates for electors.				Number of votes polled.
1st dist.,	H. G. Turner	received	.....	93
2d "	Robt. N. Ely	"	.....	93
3rd "	W. I. Hudson	"	.....	93
4th "	J. M. Pace	"	.....	93
5th "	Henry R. Casey	"	.....	93
6th "	J. N. Dorsey	"	.....	93
7th "	E. D. Graham	"	.....	93

Names of candidates for Forty-third Congress.			Number of votes polled.
Morgan Rawls	received	.....	93

Which will fully appear by reference to the enclosed list of voters and tally-sheet.

Given under our hands and official signatures this fifth day of November, 1872.

C. S. MARTIN,
CUYLER NEVILS,
JOHN C. DE LOACH,
Superintendents.

OFFICE SECRETARY OF STATE, GEORGIA,
Atlanta, December 27th, 1873.

I hereby certify that the above and foregoing one page, with names of electors attached thereto, contains a true and correct copy of the original return on file in this office, and that the tally-sheet and list of voters is also on file in this office.

Given under my hand and official seal.

[SEAL.]

N. C. BARNETT,
Secretary of State.

EXHIBIT Z.—*Precinct returns.*

STATE OF GEORGIA,
Bulloch County:

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor knowingly prohibit any one voting who is entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so. So help me God.

Sworn to and subscribed before me this 5th day of November, 1872.

M. J. GREEN,
NORMAN W. RUSHING,
JOHN ANDERSON,
Superintendents.

JOHN ANDERSON,
Justice of the Peace:

STATE OF GEORGIA,
County:

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at the Sink Hole, in the county of Bulloch, for a member of Congress to represent the first con-

gressional district in the Forty-third Congress of the United States, and for electors for President and Vice-President of the United States; and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for electors. Number of votes polled.

First district, H. G. Turner received v v v v v v v v v v v v v v v v v v v v v v v v ii—112.

Second district, Robert N. Ely received v v v v v v v v v v v v v v v v v v v v v v v v ii—112.

Third district, W. I. Hudson received v v v v v v v v v v v v v v v v v v v v v v v v ii—112.

Fourth district, J. M. Pace received v v v v v v v v v v v v v v v v v v v v v v v v ii—112.

Fifth district, Henry R. Casey received v v v v v v v v v v v v v v v v v v v v v v v v ii—112.

Sixth district, J. N. Dorsey received v v v v v v v v v v v v v v v v v v v v v v v v ii—112.

Seventh district, E. D. Graham received v v v v v v v v v v v v v v v v v v v v v v v v ii—112.

Names of candidates for Forty-third Congress. Number of votes polled.

Morgan Rawls received v v v v v v v v v v v v v v v v v v v v v v v v iii—113.

Andrew Sloan 0 0 0 0 0 0 0 0 0 0.

Names of candidates for electors for the State at large.

William T. Wofford, received v v v v v v v v v v v v v v v v v v v v v v v v v ii—112.

Henry Bening v v v v v v v v v v v v v v v v v v v v v v v v ii—112.

Washington Poe v v v v v v v v v v v v v v v v v v v v v v v v ii—112.

Julian Hartridge v v v v v v v v v v v v v v v v v v v v v v v v ii—112.

Which will fully appear by reference to the inclosed list of voters and tally-sheet.

Given under our hands and official signatures this 5th day of November, 1872.

N. J. GREEN,
NORMAN W. RUSHING,
JOHN ANDERSON,
Superintendents.

OFFICE SECRETARY OF STATE,
Atlanta, Ga., December 27, 1873.

I hereby certify that the above and foregoing one page, with the names of electors attached, is a true and correct copy of the original return on file in this office; also that the tally-sheet and list of voters is of file in this office.

Given under my official signature and seal.

N. C. BARNETT,
Secretary of State.

EXHIBIT A A.—*Precinct returns.*

STATE OF GEORGIA,
Bulloch County:

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary or freeholders (as the

case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor knowingly prohibit any one from voting who is entitled by law, and will not divulge for whom any vote was cast, unless called on under the law to do so. So help me God.

DAVID BEASLEY, *Freeholder*,
MATTHEW MILLER *Freeholder*,
J. R. MILLER, *J. P.*,
Superintendents.

Sworn to and subscribed before me this 5th day of November, 1872.
J. R. MILLER,
Justice of the Peace.

STATE OF GEORGIA,
Bulloch County:

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at forty-eighth district Georgia, in the county of Bulloch, for a member of Congress to represent the first congressional district in the Forty-third Congress of the United States, and for electors for President and Vice-President of the United States; and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for electors.	Number of votes polled.
William T. Wofford, received	83
Washington Poe "	83
Henry L. Benning "	83
Julian Hartridge "	83
Robert N. Ely "	83
W. I. Hudson "	83
J. M. Pace "	83
Henry R. Casey "	83
J. N. Dorsey "	83
E. D. Graham "	83
H. G. Turner "	83
A. T. Akerman "	00
Benj. Conley "	"
Amherst W. Stone "	"
Joel Johnston "	"
W. B. Jones "	"
W. W. Merrill "	"
Joel R. Griffin "	"
John F. Shine "	"
C. D. Forsyth "	"
Geo. S. Fisher "	"
C. A. Ellington "	"

Name of candidates for Forty-third Congress.	Number of votes polled.
Morgan Rawls received	83
Andrew Sloan	00

Which will fully appear by reference to the enclosed list of voters and tally-sheet.

Given under our hands and official signatures, this 5th day of November, 1872.

DAVID BEASLEY, *Freeholder*,
MATTHEW MILLER, *Freeholder*,
J. R. MILLER, *J. P.*,
Superintendents.

OFFICE SECRETARY OF STATE, GEORGIA,
Atlanta, December 27, 1873.

I hereby certify that the above and foregoing one page, with the names of electors thereto attached, is a true and correct copy of the original return on file in this office; also, that the tally-sheet and list of voters is of file in this office.

Given under my official signature and seal.

[SEAL.]

N. C. BARNETT,
Secretary of State.

EXHIBIT B B.—*Precinct returns.*

STATE OF GEORGIA,
Bulloch County:

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor knowingly prohibit any one from voting who is entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so; so help me God.

Sworn to and subscribed to before me this fifth day of November, 1872.

FRANKLIN OLLIFF,
R. T. SAUNDERS,
JAMES HENDRICKS,
RICHARD WOODWORTH,
M. W. HENDRICKS,
Superintendents.

_____ _____,
Justice of the Peace.

STATE OF GEORGIA,
Bulloch County:

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at the precinct 46th district, in the county of Bulloch, for a member of Congress to represent the congressional district in the Forty-third Congress of the United States, and for electors for President and Vice-President of the United States, and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for electors.		Number of votes polled.
Wm. T. Wofford	received	66
Washington Poe	"	66

Names of candidates for electors.		Number of votes polled.
Henry L. Benning	received	66
Julian Hartridge	"	66
1st dist. H. G. Turner	"	66
2d " Robt. N. Ely	"	66
3d " W. I. Hudson	"	66
4th " J. M. Pace	"	66
5th " Henry R. Casey	"	66
6th " J. N. Dorsey	"	66
7th " E. D. Graham	"	66

Names of candidates for Forty-third Congress.		Number of votes polled.
Morgan Rawls	received	66

Which will fully appear by reference to the enclosed list of voters and tally-sheet.

Given under our hands and official signatures this fifth day of November, 1872.

FRANKLIN OLLIFF,
R. F. SAUNDERS,
M. W. HENDRICKS,
JAMES HENDRICKS,
RICHARD WOODWORTH,
Superintendents.

OFFICE SECRETARY OF STATE,
Atlanta, Georgia, December 27, 1873.

I hereby certify that the above and foregoing one page, with the names of electors thereto attached, is a true and correct copy of the original return on file in this office; also, that tally-sheet and list of voters is of file in this office.

Given under my official signature and seal.

[SEAL.]

N. C. BARNETT,
Secretary of State.

EXHIBIT C C.—*Precinct returns.*

STATE OF GEORGIA, *County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are justices of the peace, ordinary or freeholders (as the case may be) of this county; that we will make a just and true return thereof, and not knowinly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor knowingly prohibit any one from voting who is entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so: so help me God.

JOHN G. JONES,
HIRAM FRANKLIN,
JOHN GREEN, Ex., *J. P.*,
Superintendents.

Sworn to and subscribed before me, this 5th day of November, 1872.

JOHN GREEN, Ex.,
Justice of the Peace.

STATE OF GEORGIA, *County:*

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at in the county of for a member of Congress to represent the congressional district in the Forty-third Congress of the United States, and for electors for President and Vice-President of the United States; and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

Names of candidates for electors.		No. votes polled.
William T. Wofford	received	75
Washington Poe	"	75
Henry L. Benning	"	75
Julian Hartridge	"	75
H. G. Turner	"	75
Robert N. Ely	"	75
W. I. Hudson	"	75
J. M. Pace	"	75
Henry R. Casey	"	75
J. N. Dorsey	"	75
E. D. Graham	"	75

Names of candidates for Forty-third Congress.		Number of votes polled.
Morgan Rawls	received	75
Andrew Sloan	"	00

Which will fully appear by reference to the inclosed list of voters and tally-sheet.

Given under our hands and official signatures this 5th day of November, 1872.

JOHN G. JONES,
HIRAM FRANKLIN,
JOHN GREEN, Ex., *J. P.*,
Superintendents.

OFFICE SECRETARY OF STATE, GEORGIA,
Atlanta, December 27, 1873.

I hereby certify that the above and foregoing one page, with the names of electors attached thereto, is a true and correct copy of the original return on file in this office; also that tally-sheet and list of voters is of file in this office.

Given under my official signature and seal.

N. C. BARNETT,
Secretary of State.

EXHIBIT D D.

STATE OF GEORGIA,
Emanuel County:

By virtue of the statute in such case made and provided, an election was this day held at Scotland district, in said county, for a member of the House of Congress of the United States for the first district, to represent said State in next Congress.

And we, the superintendents of said election, do certify that, upon counting out the votes polled, the following is the result:

FOR CONGRESS:

Andrew Sloan received v v v iiii.—19.
Morgan Rawls received v v.—10.
Wm. T. Wofford, v v v v v iii.—28.
Washington Poe, v v v v v iii.—28.
Henry L. Benning, v v v v v iii.—28.
Julian Hartridge, v v v v v iii.—28.
H. G. Turner, v v v v v iii.—28.
Robert N. Ely, v v v v v iii—28.
W. I. Hudson, v v v v v iii.—28.
James M. Pace, v v v v v iii.—28.
N. R. Casey, v v v v v iii.—28.
J. D. Dorsey, v v v v v iii.—28.
E. D. Graham, v v v v v iii.—28.

Given under our hands and official signatures this November 5, 1872.

A. W. ODONS.
MORRIS DANZON.

OFFICE SECRETARY OF STATE, GEORGIA,
Atlanta, December 27, 1873.

I hereby certify that the foregoing one page contains a true and correct copy of the original return on file, and that the tally-sheet and list of voters is also on file in this office.

Given under my official signature and seal.

N. C. BARNETT,
Secretary of State.

EXHIBIT E E.—*Precinct return; oath of superintendents of election at Jeffersonton precinct.*

GEORGIA, *Camden County:*

All and each of us do swear that we will faithfully superintend this day's election; that we are freeholders; that we will make a just and true return thereof, and not knowingly permit any one to vote unless we believe he is entitled to do so according to the laws of this State, nor knowingly prohibit any one from voting who is entitled by law; and will not divulge for whom any vote was cast, unless called on under the law to do so. So help me God.

MONROE WILSON, *F. H.*
his
PETER + SYBBEL, *F. H.*
mark.
his
DICK + DRUMMOND, *F. H.*
mark.
Superintendents.

Sworn to and subscribed before me this 5th day of November, 1872.

_____,
Justice of the Peace.

Oath of superintendents of election.

STATE OF GEORGIA,
County:

By virtue of the statute in such cases made and provided, an election was held on the 5th day of November, 1872, at   , in the county of   , for a member of Congress to represent the   congressional district in the Forty-third Congress of the United States; and we, the superintendents, do hereby certify that, upon counting out the votes polled, the following is the result:

FOR PRESIDENTIAL ELECTORS.

Amos T. Akerman, v v v v v v v v v v v v v v v v v v v v v v v v v v v v v
v v v v v v v v v v v v—205.

Benjamin Conley, at large		205
1st dist.	Amherst W. Stone	205
2d "	Joel Johnson	205
3rd "	W. B. Jones	205
4th "	W. W. Merrell	205
5th "	Joel R. Griffin	205
6th "	John F. Shine	205
7th "	C. D. Forsyth	205
8th "	Geo. S. Fisher	205
9th "	C. A. Ellington	205

Names of candidates for Forty-third Congress.	Number of votes polled.
Andrew Sloan received	205

MONROE WILSON,
his
PETER + SIBBEL,
mark.
his
DICK + DRUMMOND,
mark.
Superintendents.

OFFICE OF SECRETARY OF STATE,
Atlanta, Georgia, December 27, 1873.

I hereby certify that the above and foregoing one page, with names of electors thereto attached, is a true and correct copy of the original return on file, and that the tally-sheet and list of voters is also on file in this office.

Given under my official signature and seal.

N. C. BARNETT,
Secretary of State.

EXHIBIT F F.

Court of ordinary. November term, 1868.

STATE OF GEORGIA, *Camden County:*

The honorable the court of ordinary met this 2nd day of November, 1868.

Present Wm. T. Spencer, ordinary.

There being no business before the court it adjourned subject to the call of the ordinary.

WM. T. SPENCER,
Ordinary.

Court of ordinary. November 3rd, 1868.

STATE OF GEORGIA, *Camden County:*

The honorable the court of ordinary met this 3rd day of November, 1868.

Present Wm. T. Spencer, ordinary.

I. A polling-place or precinct is hereby opened at Satilla Mills in aforesaid county.

II. It having been found impossible to open the polls at the court-house of the aforesaid county this day, by reason of refusal of free-holders to act as superintendents of election, said polling-place is hereby discontinued, and all election returns from the several polling-places or precincts of this county are required to be returned or made to the Satilla polling-place or precinct.

There being no further business before the court it adjourned until the regular December term, or if necessary to the call of the ordinary before.

WM. T. SPENCER,
Ordinary.

STATE OF GEORGIA, *Camden County:*

OFFICE OF ORDINARY.

I hereby certify that the within and foregoing is a true and correct transcript from the minutes of the court of ordinary.

I further certify that no order restoring Jeffersonton as a polling-place or precinct appears upon the minutes of said court of ordinary.

Given under my hand and seal of office this 29th day of December, 1873.

E. A. McWHORTER,
Ordinary C. C.

ANDREW SLOAN vs. MORGAN RAWLS.

ADDITIONAL PAPERS

IN THE CASE OF

ANDREW SLOAN vs. MORGAN RAWLS,

FIRST CONGRESSIONAL DISTRICT OF GEORGIA.

REPORT OF AMHERST W. STONE, CHIEF SUPERVISOR OF ELECTIONS FOR THE SOUTHERN JUDICIAL DISTRICT OF GEORGIA.

To the Clerk of the House of Representatives of the Congress of the United States:

SIR: I have the honor to submit to you, to be filed in your office, the following report:

On the 16th day of December, 1871, I was appointed by the honorable W. B. Woods, judge of the circuit court of the United States for the southern district of Georgia, chief supervisor of elections for the southern judicial district of Georgia, by virtue of the acts of Congress in that behalf made and provided.

The southern judicial district comprises seventy-six counties, and includes the whole of the first, second, and third, and part of the fourth, fifth, sixth, and eighth congressional districts.

The first congressional district includes nineteen counties, all in the southern judicial district, viz: Appling, Bryan, Bullock, Burke, Camden, Charlton, Chatham, Clinch, Echols, Effingham, Emanuel, Glynne, Liberty, McIntosh, Pierce, Screven, Tatnall, Ware, and Wayne.

The second congressional district includes seventeen counties, all in the southern judicial district, viz: Baker, Berrien, Brooks, Calhoun, Clay, Colquitt, Decatur, Dougherty, Early, Lowndes, Miller, Mitchell, Quitman, Randolph, Terrell, Thomas, and Worth.

The third congressional district includes fifteen counties, all in the southern judicial district, viz: Coffee, Dodge, Dooley, Irwin, Lee, Macon, Montgomery, Pulaski, Schley, Stewart, Sumter, Taylor, Telfair, Webster, and Wilcox.

The fourth congressional district includes twelve counties; of these, there are in the southern judicial district five counties, viz: Chattahoochee, Harris, Marion, Muscogee, and Talbot. The remaining seven counties are in the northern judicial district.

The fifth congressional district includes only four counties that are in the southern judicial district, viz: Crawford, Houston, Monroe, and Upson.

The sixth congressional district includes seven counties that are in the southern judicial district, viz: Baldwin, Bibb, Jones, Laurens, Putnam, Twiggs, and Wilkinson.

The eighth congressional district includes nine counties that are in the southern judicial district, viz: Columbia, Glascock, Hancock, Jefferson, Johnson, McDuffy, Richmond, Warren, and Washington.

In these seventy-six counties there were appointed three hundred and five supervisors, distributed as follows:

First congressional district.

Bryan County	6
Burke County	22
Camden County	13
Chatham County	12
Emanuel County	8
Glynn County	8
McIntosh County	4
Tatnall County	14
Scriven County	10
Wayne County	4

Second congressional district.

Baker County	8
Bibb County	16
Brooks County	12
Calhoun County	6
Clay County	6
Decatur County	20
Dougherty County	6
Early County	10
Lowndes County	10
Mitchell County	10
Quitman County	8
Randolph County	10
Terrell County	2
Thomas County	8

Third congressional district.

Sumter County	8
Taylor County	12

Fourth congressional district.

Harris County	24
Muscogee County	2

Fifth congressional district.

Houston County	16

Eighth congressional district.

Richmond County	10

There were no petitions presented from the citizens of the other counties included in the southern judicial district for the appointment of

supervisors in accordance with the laws, and none were appointed. I am informed that some who were appointed did not receive their commissions and some did not act who were appointed and did receive them.

Of the three hundred and five appointed, only eighty-three have made any report to me. These reports, with the exceptions hereinafter mentioned, are to the effect that the election supervised by them was fair and in conformity to law.

These exceptions are mainly in the first congressional district, where it seems various devices were resorted to for the purpose of defeating the will of the people.

By the laws of Georgia the several counties are laid off into militia districts, and originally each militia district was a voting-precinct.

By subsequent legislation the justices of the inferior court of the county were vested with the power, at regular term of the inferior court, to establish, change, or abolish these militia districts or voting precincts. And by later legislation the inferior court was abolished and the ordinary of the several counties in the State was clothed with the same power as the late inferior court, as to establishing, changing, or abolishing these militia districts. This was required to be done at a regular term of the court, and a description of what was established, changed, or abolished entered on the minutes of the court *at the time.* (See Irwin's Revised Code, sec. 1312.)

"The election for presidential electors and members of Congress is required to be held at the court-houses of the respective counties, and at the several election precincts thereof (if any) established, or to be established; said precincts must not exceed one in each militia district." (See Irwin's Revised Code, sections 1323 and 1312.)

"The persons qualified to hold such elections are justices of the peace and freeholders. There must be three superintendents, and one must be a justice of the peace except in the following contingencies, viz: if by 10 o'clock on the day of the election there is no proper officer present to hold the election, or there is one, and he refuses, then freeholders may superintend the election, administering the oath required to each other." (See Irwin's Revised Code, sections 1309 and 1314.)

At the election held in Chatham County on the 5th day of November last for presidential electors and members of Congress in the first congressional district, there were four election precincts regularly established and existing at the time of the election, viz: the court-house, (in the city of Savannah,) including the first, second, third, and fourth militia districts; the Isle of Hope, including fifth and sixth militia districts; Cherokee Hill, including eighth militia district; Chapman's House, seventh militia district. These four last militia districts were established by the ordinary of said county, on the 22d day of October, 1868, in conformity with the statute in such case made and provided, and an election was held there on the 3d day of November following, and they had never been abolished. Supervisors were appointed for the aforesaid four election precincts, and were duly qualified and sworn, and made their report to me. A copy of their reports is hereto annexed, marked Exhibit A.

On the morning of the day of the election it was ascertained that the ordinary of said Chatham County had made an arrangement to have four polling-places and four boxes for receiving ballots opened in the court-house, (the Savannah precinct,) including the first, second, third, and fourth militia districts as before mentioned, and had appointed managers for each of said boxes, three for each box and two extra ones, (supernumeraries.)

The said boxes were located as follows: One on the north side of the court-house, on President street; one on the south side of the court-house, on York street, and two inside the court-house.

The diagram annexed, marked B, will show the location and position of the boxes. It will be noticed that the first, second, third, and fourth militia districts were included in the limits of the city of Savannah, and constituted but *one voting precinct*. That only two supervisors were, or could be, appointed for that precinct; and, in my humble opinion, only *three legal managers* and one box for receiving votes; and yet there were four boxes and fourteen managers or superintendents of election acting at *one voting precinct*, who assumed to be legal managers and appointed by the ordinary of said county of Chatham and but *two* supervisors for the four boxes.

It was an utter impossibility for *two* supervisors to supervise four boxes with fourteen different managers, and situated from 40 to 50 feet apart. It is my opinion that the ordinary had no right to create these extra boxes, not provided for by law, for receiving votes, at the court-house precinct, and that he had no right to appoint any managers at all. That both acts were illegal. The laws of Georgia say, voting-precincts *shall not exceed one in each militia district*, (see Irwin's Code, sec. 1312,) and prescribe who are qualified to hold an election, viz, justices of the peace and freeholders.

There must be *three* superintendents, one of whom must be a justice of the peace, the other two freeholders; except in cases where there are no proper officers present to hold the election, or, one being present, refuses, the three freeholders may superintend the election.—(Code of Georgia, secs. 1309, 1314.

There is no law of the State giving the right to the ordinary to appoint managers of elections.

The opening of more than one box at a precinct or polling-place, under different managers, practically defeats the object in view, appointing supervisors; under the law they cannot supervise but one box superintended by legal managers.

It may be replied that it is impracticable and impossible for six thousand or more voters to cast their ballots in one box, and hence the necessity for other boxes; and the law is disregarded upon the principle of convenience. It is a sufficient answer to this proposition to say that there are included in the city of Savannah (the location of the court-house) four militia districts, and the ordinary is authorized to make a voting-precinct in each district, and thereby all the difficulty and inconvenience suggested would be avoided.

The candidates for Congress (first congressional district) were Andrew Sloan, republican, and Morgan Rawls, democrat.

The report of supervisors for Isle of Hope precinct, fifth and sixth militia district, shows—

	Votes.
Sloan received	253
Rawls received	00
Republican electors, Grant and Wilson	253
Democratic electors, Greeley and Brown	00

The report for Chapman's House precinct, seventh militia district, shows—

	Votes.
Sloan received	600
Rawls received	2
Republican electors, Grant and Wilson	600
Democratic electors, Greeley and Brown	2

The report of supervisors for Cherokee Hill precinct, eighth militia district, shows—

	Votes.
Sloan received	386
Rawls received	00
Republican electors, Grant and Wilson	386
Democratic electors, Greeley and Brown	00
The vote for Sloan in the three above-named precincts was	1,239
For Rawls	2
Sloan's majority	1,237
The whole vote in the Court-House precinct (Savannah) was	5,587
Of those Sloan received	2,428
Rawls received	3,159
Rawls majority	731

The vote of the county consolidated, stands:

Sloan, republican	3,667
Rawls, democrat	3,161
Sloan's majority	506

The law of Georgia requires the superintendents of election to consolidate the vote of the county, and to that end the superintendents of the precincts are required to send their certificates and all other papers of the election, including the ballots, under their seal, to the county-site for consolidation, in charge of one of the members, which must be delivered there by 12 o'clock m. of the next day. And the superintendents to consolidate the vote of the county must consist of all those who officiated at the county-site or a majority of them, at least *one* from each precinct.

(* * * Irwin's Revised Code, § 1315.)

In pursuance of said statute the superintendents from the three country precincts, viz, Isle of Hope, Cherokee Hill, and Chapman's House, were at the court-house at 12 o'clock m. of the next day after the election, with the fourteen superintendents or managers of the city (or Court-House) precinct.

The superintendents of the said city or Court-House precinct refused the superintendents from the said four country precincts the right to vote on the question of consolidation, and refused to consolidate the vote of the country precincts, and returned to the governor of said State only the vote cast in the city of Savannah, thereby depriving the Grant and Wilson electors and the republican candidate for Congress in the first congressional district of twelve hundred and thirty-nine votes.

The superintendents of the country precincts, viz, Isle of Hope, Cherokee Hill, and Chapman's House, met and consolidated the returns from those precincts, with the result hereinbefore stated, viz:

For Grant and Wilson electors	1,239
For Andrew Sloan for Congress, republican	1,239
For Greeley and Brown electors	2
For Morgan Rawls for Congress, democrat	2

These ballots they consolidated, and with the requisite certificates list of voters, and tally-sheets, were, by said superintendents, sealed up and without delay mailed to the governor of said State; and one other with like accompaniments, was directed to the clerk of the superior cou of Chatham County, and handed to him in conformity with paragraph of section 1315, code of Georgia. Another like document was sent the secretary of state.

It is reported to me unofficially, that the governor, in counting up t votes in the first congressional district, only counted the votes cast the Court-House precinct, in the city of Savannah, rejecting those cast the Isle of Hope, Cherokee Hill, and Chapman's House.

It is my opinion that the vote at the Isle of Hope, Cherokee Hill, a Chapman's House was correct and legal. The supervisors for th precincts so report to me. Copies of their reports are hereto annex marked C.

And I am of the opinion that the establishing of four boxes or pla for receiving votes at the Court-House precinct was without authorit law. If I am correct in this, it follows that the only legal votes cas Chatham County, at the said November election, were those cast at Isle of Hope, Cherokee Hill, and Chapman's House.

In regard to Camden County, I have taken great pains to get at facts as to the votes cast at the voting-precinct known as Bailey's M As far as informed the election was regular, and Andrew Sloan, rep lican, received a majority of seventy-seven votes, but the vote of t precinct was not consolidated with the country vote, and was not warded to the governor in the time prescribed by law. I am satis that the vote of this precinct was withheld by the managers to de the republican candidate, Andrew Sloan.

In Burke County, at the precinct known as Lawtonville, there w some irregularities, if not actual fraud, on the part of the managers superintendents or their clerks. I have examined both the supervi appointed for that precinct. They both state the election was fa conducted up to the time of counting the votes; that the clerks or ta sheet keepers, (knowing the whole number of votes polled,) after count reached one hundred and six votes for Andrew Sloan, republi candidate for Congress, and eighty-three votes for Morgan Rawls, de cratic candidate for Congress, refused to keep the tally any longer left the polls.

The supervisors proceeded to count out the balance of the ballots, the following is the result:

For Andrew Sloan, republican.....
For Morgan Rawls, democrat.....

Majority for Sloan .....

(See report marked E.)

The vote of this precinct, I am informed, is not included in the co made by the governor. From the foregoing it will be seen that if votes polled at Bailey's Mills, Camden County; Lawton's precinct, Bu County; Isle of Hope, Cherokee Hill, and Chapman's House had b counted, Andrew Sloan, republican, would have had a majority o Morgan Rawls, democrat, of eighty-six votes.

This calculation is made by including the twelve hundred and thi nine votes cast for Sloan at the Isle of Hope, Cherokee Hill, and Cl man's House, in Chatham County.

In the sixty-seventh district G. M., of Burke County, John Mack, supervisor for that district, reports that, on the morning of the election, he was arrested, for no cause whatever, but to prevent him from supervising the election; that the other supervisor appointed with him refused to act, and the justice of peace refused to open the polls; that after the election he was immediately released from arrest; that three hundred electors in that district were thus deprived of the right to vote. I annex a copy of his report, marked D.

In regard to Scriven County I cannot report officially, but am credibly informed that at the precinct known as Mears' Court-Place, in said county, no poll was opened, and a deception was practiced on the voters in said precinct.

The following statement contains the facts, as near as I can get at them:

On the 3d day of November, preceding the election, the justice of the peace of that militia district promised to be on hand and open the polls at said precinct at the usual hour. He requested Mr. Brown, the republican supervisor for that precinct, to have all the voters assemble there to vote. On the day of the election over two hundred voters were at that precinct; the said magistrate did not appear, and no polls were opened at that precinct. The said supervisor waited for him until 10 o'clock a. m. He not appearing, the said supervisor endeavored to get freeholders to open the polls, in accordance with the laws of Georgia, but failed to do so. It was ascertained the said justice had gone to Sylvania, the county site of said county, distant some three miles.

The said Brown, supervisor, then arranged the voters in a line and ejected from the line all those who were not qualified to vote and counted the qualified voters and found two hundred; each man was then asked how he would have voted had an opportunity been afforded him, and each said for Grant and Wilson and for Andrew Sloan for Congress. It was then too late and the distance too great for them to go to any other precinct to vote.

The said precinct was known to be strong republican, and, from all the facts I can gather, I have no doubt this was a device to prevent the voters in said precinct from voting.

In submitting this report, I beg leave to say that I have endeavored o make it correct and impartial; and, to the best of my knowledge, it s so.

Very respectfully, your obedient servant,

AMHERST W. STONE,
Chief Supervisor of Election
for the Southern Judicial District of Georgia.

EXHIBIT A.

Report of S. D. Dickson, supervisor.

SAVANNAH, GA., *November* 8, 1872.

SIR: I have the honor to report, as supervisor of election for presidential electors and member of Congress to represent the first congressional district of Georgia in the Forty-third Congress of the United States, held at the court-house in the city of Savannah, county of Chatham, on the 5th day of November, A. D. 1872:

I was present at the precinct at 6½ o'clock a. m. I found four boxes or precincts established, which were all used separately. I took my position at box located on the York street side of the court house, and with the exception of fifteen minutes (when you relieved me) supervised it until the closing of the polls; then I had the box under my supervision until all the ballots were counted. I examined and counted every ballot, and report the action of the managers correct in counting. Annexed please find the result.

During the voting there was unreasonable delay while challenging and several voters were refused to be sworn by the managers.

I found it physically impossible to supervise more than the one poll at which I was stationed, at which at least three-fourths of the colored voters were challenged. Consequently I omit reporting upon the three boxes used at the other parts of the court-house.

I am, very respectfully, &c.,

S. D. DICKSON,
United States Supervisor of Election.

Col. A. W. STONE,
Chief Supervisor of Elections for the Southern District of Georgia.

P. S.—I have the names of several voters who were rejected by the managers. If they were legally entitled to vote they should be entitled to redress.

Result:

Grant electors	65
Greeley electors	17
Sloan (Congress)	67
Rawls (Congress)	16

S. D. D.

Report of W. W. Payne, Supervisor.

SAVANNAH, GA., *November 7*, 1872.

DEAR SIR: I have the honor to report that under and by virtue of a commission from Hon. John Erskine, judge of the United States circuit court, and United States district judge for the district of Georgia, appointing me a supervisor of elections for the City of Savannah, I proceeded to perform the duties of supervisor of election, by appearing at the court-house in the city of Savannah, the place of holding elections, and remained near the ballot-boxes during the day of election being the 5th instant; that the election passed off quietly, and that I saw no interference with the rights of voters; that I saw quite a number of voters challenged, and only in such manner as is used at elections. Some few of the challenged voters would not take the oath prescribed by law, and did not vote. The managers of the election, as far as I saw, were courteous and impartial.

The ballots were counted in two rooms in the court-house. I witnessed the counting of the ballots in boxes Nos. 2 and 3, which was done in the superior court room, and which I certify was fairly done. The return was made up and turned over to the proper officer to be mailed.

A question on the reception of certain other returns was made, and decided adversely to the reception.

Very respectfully, &c.,

W. W. PAYNE.

Hon. A. W. STONE,
Chief Supervisor of Election for the Southern Judicial District of Georgia.

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EXHIBIT B—Diagram.

EXHIBIT C.

CHAPMAN'S HOUSE, SEVENTH DISTRICT, G. M.,
Chatham County, State of Georgia, November 5, 1872.

SIR: We, the undersigned, supervisors appointed by the United States circuit court for the election held this day at Chapman's House, in and for the seventh district, G. M., for presidential electors and members of Congress, do certify that the election was the quietest we ever beheld. Six hundred and two votes were cast. The Grant and Wilson electorial ticket received six hundred votes; Greely and Brown electorial ticket received two votes. For members of Congress, Andrew Sloan received six hundred votes; Morgan Rawls, two.

HENRY BEIBEN,
C. T. CHAPMAN,
Supervisors.

Col A. W. STONE,
Chief Supervisor.

ISLE OF HOPE, CHATHAM COUNTY,
November 5, 1872.

SIR: This is to certify that I have attended and supervised the election held in the fifth militia district. There was no disturbance at the polls. The polls were opened at 8 o'clock, and remained open until 3 o'clock, as the law requires, when the same were closed, and the managers proceeded to count the votes. Two hundred and fifty three votes were cast, all for the Grant and Wilson electoral ticket and Andrew Sloan for congressman for the first congressional district. For the democrats, none.

This is my report from the fifth militia district. All was done with fairness.

PETER HOUSTON,
Supervisor.

Col. A. W. STONE,
Chief Supervisor of Elections.

CHEROKEE HILL, CHATHAM COUNTY, GEORGIA,
November 5, 1872.

I hereby certify that having been appointed by the honorable judge of the United States circuit court, as supervisor of the election held this day at this precinct, and having qualified for that duty, I attended the polls all day during the voting, and watched the proceedings, and the count of the votes. Everything was conducted fairly by the managers, and the votes were correctly counted. The whole number of votes cast

were three hundred and eighty-six, all of which were for the republican presidential electors, and republican candidates for Congress. No disturbance at the polls.

JAMES DAVIS,
Supervisor of Election.

To A. W. STONE,
Chief Supervisor.

EXHIBIT D.

BURKE COUNTY, GEORGIA,
November 6, 1872.

A. W. STONE, *Chief Supervisor:*

I was arrested on the morning of the election, for no cause whatever, just to keep me from supervising the election. The other supervisor of the district refused to serve, and the magistrate would not open the poll, thereby depriving about three hundred voters from voting, as it was too late for them to go to other places.

I was merely arrested and taken away, and kept till the election was over, and discharged.

Yours, very respectfully,

JOHN MACK,
Supervisor Sixty-seventh District, G. M., Burke County.

EXHIBIT E.

STATE OF GEORGIA, BURKE COUNTY,
SIXTY-FIRST DISTRICT, G. M.,
November 6, 1872.

A. W. STONE,
Chief Supervisor of Elections for the Southern Judicial District of Georgia:

The election opened yesterday at the usual hour and was honorably conducted during the receiving of the votes. No votes were rejected, except those that in our judgment, should have been. There was a disposition manifested to confuse the tally-sheets, whereupon S. Young, one of our number proposed to count out the votes. The managers of the election then counted them out and the following is the result of those tallied, and those counted:

Republican tickets tallied, 106; Republican tickets counted, 83. Total, 189.

Democratic tickets tallied, 65; Democratic tickets counted, 48. Total, 113.

Number of votes polled, 311; Number of votes thrown out, 2; Number of tickets short, 7.

All of which is respectfully submitted.

J. W. CARSWELL,
S. YOUNG,
Supervisors.

O

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 21.

PROCEEDS OF SALES OF PUBLIC LANDS—FORT SAINT PHILIP CANAL.

RESOLUTIONS

OF THE

LEGISLATURE OF LOUISIANA,

IN RELATION TO

Proceeds of sales of public lands and the Fort Saint Philip Canal.

DECEMBER 8, 1873.—Ordered to be printed and referred as follows, the first to the Committee on Public Lands and the second to the Committee on Commerce.

JOINT RESOLUTION asking the Congress of the United States to pass an act appropriating the proceeds of all public lands hereafter sold for the support of free common-schools:

Be it resolved by the senate and house of representatives of the State of Louisiana in general assembly convened, That our Senators and Representatives in the United States Congress be and are hereby requested to exert their influence and use all proper means to secure the prompt enactment of a law devoting all the money which shall hereafter be received from the sale of public lands belonging to the United States for the support of free common-schools, as recommended by President Grant in his last annual message.

Be it further resolved, That the secretary of state of the State of Louisiana be and is hereby requested to transmit a copy of these resolutions to each Senator and Representative of this State in Congress.

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.

(Signed) C. C. ANTOINE,
Lieutenant-Governor and President of the Senate.

Approved *February* 19, 1873.

(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.

A true copy:

P. G. DESLONDE,
Secretary of State.

JOINT RESOLUTION requesting our representatives in Congress to use their influence to secure an appropriation to construct the Fort Saint Philip Canal.

Be it resolved by the senate and house of representatives of the State of Louisiana in general assembly convened, That the Senators and Representatives of the State of Louisiana in Congress be and are hereby re-

quested to exert their influence, and use all lawful and honorable means to secure from the General Government such appropriations and assistance as may be necessary to construct and maintain the Fort Saint Philip Canal.

Be it further resolved, That the secretary of state of the State of Louisiana be and is hereby requested to transmit a copy of this joint resolution to each Senator and Representative of the State of Louisiana in Congress.

(Signed) CHARLES W. LOWELL,
Speaker of the House of Representatives.

(Signed) C. C. ANTOINE,
Lieutenant-Governor and President of the Senate.

Approved *February* 19, 1873.

(Signed) WILLIAM P. KELLOGG,
Governor of the State of Louisiana.

A true copy:

P. G. DESLONDE,
Secretary of State.

STATE OF LOUISIANA, SECRETARY OF STATE,
New Orleans, February 27, 1873.

This is to certify that the annexed two joint resolutions are true and correct copies of the originals on file in this office.

Given under my hand and the seal of State this 27th day of February, A. D. 1873.

[SEAL.] P. G. DESLONDE,
Secretary of State.

C

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 22.

JOHN M. BURNS vs. JOHN D. YOUNG.

PAPERS

IN THE CASE OF

BURNS vs. YOUNG,

TENTH CONGRESSIONAL DISTRICT OF KENTUCKY.

EVIDENCE OF CONTESTANT.

No. 1.—*Notice of contest.*

MR. JOHN D. YOUNG: You are hereby notified that I will contest your right to a seat in the Forty-third Congress as a member-elect from the tenth congressional district in the State of Kentucky, on the following grounds:

1st. Because you did not, at the election in said district on the 5th day of November, 1872, receive a majority of the legal votes cast at said election in said district.

2d. Because votes were counted for you and against me at said election, when the poll-books were not signed by the proper officer as required by law; nor were said poll-books and the votes for congressman certified as the law required.

3d. Because the ballot-box at the Dry-Fork precinct in Lawrence County, in said district, was not sealed; nor was the poll-book sealed; nor were said box and book carried to the county court clerk of said county by an officer of the election or by any one in the presence or company of such an officer, but was carried by a boy some fifteen or sixteen miles in said condition and by him delivered to the clerk.

4th. Because the poll-book at the Deer-Creek precinct, in Carter County, in said district, was not signed or certified as required by law.

5th. Because ballots or votes legally or properly cast for me in the counties of Bracken, Nicholas, Robertson, Rowen, Mason, Bath, Boyd, and Fleming, in said district, were illegally, wrongfully, and fraudulently thrown out, and not counted by the precinct and county election boards of said counties.

6th. Because in the computation of votes or ballots cast in the counties last above-named, the various election-boards of said counties counted for you more votes than you received.

7th. Because I received at said election in said district a majority of the legal votes cast therein; and, for the reason herein set out, I will

claim the seat in said Congress from said State and district, as member elect therein.

Respectfully,

JOHN M. BURNS.

DECEMBER 23, 1872.

No. 2.—*Answer.*

Mr. JOHN M. BURNS:

SIR: On the 26th day of December last you gave me written notice that you would contest my right to a seat in the Forty-third Congress of the United States from this the tenth congressional district of Kentucky, on various grounds, in said notice set forth; and I will respond to the grounds set forth in the notice in the order named therein:

1st. I deny that you did get or receive, on the 5th of November last, a majority of all the legal votes cast at said election in said district, but state that at said election I did receive a majority of all the legal votes cast.

2d. I deny that votes were counted for me against you at said election, when the poll-books were not signed by the proper officers, as required by law, and I deny that said poll-books and the vote for congressman were not certified as the law requires.

3d. It is denied that the ballot-box at the Dry-Fork precinct, in Lawrence County, in said district, was not sealed; and it is denied that said poll-book was not seald; said box and book were not carried and delivered to the county clerk by an officer of said election, or by some one in the presence or company of such officer, and it is denied that said poll-book was carried by a boy for fifteen or sixteen miles in said condition, or any other distance. And I deny that said poll-book was delivered by him to the clerk of said county, but state, if such was the fact, that all the ballots that were voted for me at said precinct, and none others, were delivered to the clerk, and counted for me, as said ballots will show and I can prove.

4th. I state that the poll-book at the Deer Creek precinct, in Carter County, was signed and certified as the law requires, placed in the ballot-box, and properly sealed, and delivered to the clerk of said county, as the law requires.

5th. I deny that ballots or votes legally and properly cast for you in the counties of Bracken, Nicholas, Robertson, Rowen, Mason, Bath, Boyd, and Fleming, in said district, were illegally, unlawfully, and fraudulently thrown out, and not counted by the precinct and county election boards of said counties. I state that at none of the precincts in the counties named above were any votes cast for you illegally, wrongfully, or fraudulently thrown out.

5th. I deny that in the computation of the vote or ballots cast in the counties last above named, the various election boards for said counties counted for me more votes than I received, or was entitled to.

7th. I deny that you received at said election, in said district, a majority of the legal votes cast therein; and I deny that you have any right to said seat in Congress, unless the theory of our government is changed so that the minority and not the majority can choose a member of Congress. All of which, doubtless, you earnestly desire.

Having responded to your charges contained in your notice, the under-

signed hereby notifies you that you are not entitled to a seat in Congress from the tenth congressional district of Kentucky, in the Forty-third Congress of the United States, for the following reasons:

1st. You did not receive a majority of all the legal votes cast at said election, in said district, on the 5th of November last, and I did.

2d. Illegal votes and votes by minors, and persons who had not resided in the counties and precincts the time required by law, were cast for you in each precinct of said district.

3d. Voters were directly and indirectly bribed to vote for you, by the free use of whisky, money, and property, in the counties of Lewis, Greenup, Boyd, Lawrence, and Martin, and said voters did, under said influences, vote for you, and in said counties many voters were awed and intimidated, and prevented from voting for me, and forced to vote for you.

4th. I charge that at every precinct in said district, where you received a majority, the poll-books and ballot-boxes were not signed and sealed, and delivered to the clerks of the various county courts, as required by law; and votes were obtained for you, at each of said precincts, by bribery, fraud, and intimidation.

5th. I charge, and will prove, that all the votes cast for you in the counties of Nicholas, Robertson, Bracken, Mason, Fleming, Lewis, Greenup, Boyd, Lawrence, Martin, Johnson, Carter and Rowan, were illegal and void, being in violation of the fifth section of the act of the Kentucky legislature in regard to voting by ballot, approved March 27, 1872, which is as follows:

All ballots shall be printed or written on white paper, and shall have on them the name of the person voted for, and shall have no other distinguishing mark on them, and each ballot shall be so folded as not to show any part of the name written or printed on it.

I state, and allege, in the counties above named the ballots voted for you had the "distinguishing mark" "Hon." before John M. Burns, while others had "Hon. John M. Burns," and other distinguishing marks, and all of which ballots were counted for you, in violation of the eighth section of said act of the Kentucky legislature.

6th. I charge that all the votes cast for you in the county of Martin were not deposited in ballot-boxes with locks and keys to them, as provided by said act of the Kentucky legislature.

7th. I charge fraud upon your part and upon the part of your friends in circulating the report in the county of Martin that I was no candidate, losing to me by said report more than one hundred votes.

For these reasons I deny your pretended right to a seat in the Forty-third Congress of the United States, from the tenth congressional district of Kentucky.

Respectfully,

JOHN D. YOUNG.

OWINGSVILLE, KY., *January* 6, 1873.

No. 3.—*Depositions of C. J. Howes and Sheriff Davis.*

The deposition of C. J. Howes, taken on the 3d day of February, 1873, at the clerk's office in Paintsville, Johnson County, Ky., agreeable to the notice hereto annexed, to be used as evidence in behalf of the contestant, John M. Burns, in the Forty-third Congress of the

United States in a matter of contest for a seat in said Congress, in which John M. Burns is contestant and John D. Young is the contestee.

The deponent, being of lawful age and first duly sworn, deposeth and saith:

By the contestant:

Question. Mr. C. J. Howes, are you the county-court clerk of Johnson County, and was you such officer at the time the polls was compared of votes given at the November election, 1872, for Representatives in Congress?

(W. M. Strong, for and on behalf of the contestee, John D. Young, enters an objection and exception to the taking of depositions in this contest at this time, because no sufficient notice of the taking has been given, and because no notice of the taking has been served on said contestee as required by law. Objection heard and overruled.)

Answer. I am the county-court clerk of Johnson County, and was at the time the polls of the November election 1872 were compared.

Q. Please state if the poll-book at the Flat Gap precinct in Johnson County, being district No. 3 of said county, was certified as the law requires by the officers of said election precinct?

(On behalf of contestee said Strong objects to the above question, because it makes the witness judge of law and fact and for other reasons. Objection overruled.)

A. If the law requires the list of persons voting for Representative in Congress to be certified at the foot of the list, then the list returned from district No. 3, or Flat Gap precinct, was not certified according to law, for said list or poll-book was not certified at the foot.

Q. Was said poll-book certified at all over the signatures of the officers of the election at that precinct?—Answer. The heading of said list was signed by the officers of said election precinct, but the certificate made at the foot of the list was not signed.

Q. How many votes or ballots did you and the other members of the county board count against John M. Burns on said poll-book or from said precinct?—A. We counted, as I now remember, 151 ballots against John M. Burns.

Q. What majority from said precinct was counted in favor of Hon. J. D. Young and against John M. Burns?—A. The majority counted in favor of Young was 114, as I now remember.

Q. Is that paper purporting to be a poll-book in your possession now, and have you examined it this day?—A. The paper called a poll-book is in my possession now, and I have examined to-day.

Q. Please state the names of the other gentlemen who composed the board for the examination and counting the votes or ballots from the precinct above named, and all other precincts in Johnson County?—A. Sheriff John W. Davis and Judge N. A. Brown.

Cross-examination by W. M. Strong on behalf of contestee:

Q. You say, in answer to question 3 of your chief examination, that the certificate made at the foot of the list was not signed. Now state whether the certificate you refer to is or not the blank form which as clerk you had indorsed on the paper sent out for registration of the names of voters before the election?—Answer. The certificate I refer to is the one that I wrote in blank at the foot of the paper sent out for registration of the names of voters before the election.

Q. Did the precinct officers of the third, or Flat Gap district, certify to your office the number of ballots cast at that precinct at the last congressional election for contestant and contestee?—A. When the list was returned to this office there was added to the heading, "John D. Young, 151 votes; John M. Burns, 37 votes; given under our hands this the 5th day of November, 1872," and was signed by the officers. I can't state whether or not this could be properly called a certificate.

Q. How did the list get into your possession with the addition which you say was added to the heading?—A. The list, together with the ballot-box, was delivered to me by the sheriff of that election precinct, or by Newton McKinzie, whose signature appears on said list as sheriff.

Q. Were the signatures of the officers of that election precinct signed officially to the heading you mention?—A. They were.

Q. Do you know the handwriting of any of them? If so, state whether the signatures of said officers were genuine or not.—A. I know the handwriting of the judges and clerk, and their signatures are genuine.

Q. Did the clerk of said election precinct sign his name to any other part of said list of voters? If so, on what part of same?—A. The clerk of said precinct signed his name at the foot of each page of said list.

Q. Examine the paper I now present you and say whether it is or not a copy of the list of voters of said district returned to you with the ballot-box of that district, and whether the indorsements on same are true copies of said original except the blank certificate made by you before said election. You are desired to make said paper part of your answer to this question.—A. It is, and the paper is made part of this deposition, marked A.

Q. Are you acquainted with the usual vote of said district as between the two political parties of the country? If so, state what is the usual vote for candidates of the republican party and for those of the democratic party in the third or Flat Gap district of this county.

(Objected to by the contestant as being irrelevant and incompetent. Objection heard and objection sustained.)

Q. How many votes are usually cast at that precinct?—A. I think about 200 or 220.

Q. What is the usual number of democratic votes cast in said district?—A. It ranges from 150 to 175.

Q. Please state the number of ballots cast for contestant in this county, and whether those ballots were written or printed. State also all that was written or printed thereon.—A. There was between five and six hundred ballots cast for contestant in this county. The ballots were printed. Some of them had on them "For Congress, tenth district, Kentucky, Hon. John M. Burns, of Boyd," and others had only the name, "John M. Burns."

Q. What number of the ballots had only the last, the name John M. Burns thereon?—A. I can't state the exact number. There was less than one half of the ballots which had only the name of John M. Burns.

Q. State whether more or less than one-half the ballots counted for the contestant by you and the other members of the county board had on them the words "For Congress, tenth district, Kentucky, Hon. John M. Burns, of Boyd."—A. More than one-half of the ballots counted for contestant had on them, "For Congress, Hon. John M. Burns, of Boyd."

Q. Was the poll-book or list of voters for district No. 7 of this county at the last congressional election certified as required by law?—

A. The certificate does not state the number of votes received by each candidate.

Q. How many votes or ballots were counted for contestant from said district No. 7 by the county board?—A. I think there was counted for contestant 100 ballots or votes from said district No. 7 by the county board, and 15 for John D. Young.

Q. How many pages are there of the poll-book of said district? State if more than one, whether the clerk of the election signed his name at the foot of each page of same.—A. There are two pages and one-half column. The clerk did not sign it at the foot of each page.

The further taking of depositions adjourned until to-morrow morning at 8 o'clock.

N. A. BROWN, *P. J. J. C. C.*

Met pursuant to adjournment, Tuesday the 4th day of February, at 8 o'clock.

N. A. BROWN, *P. J. J. C. C.*

Q. Was the key-hole and hole through which the ballots were put into the ballot-boxes all sealed over in the ballot-boxes of the various precincts of this county, at the time the officers delivered said boxes to you, with the returns after the elections?—A. The aperture made for depositing ballots in the boxes were sealed up but the key-holes were not.

Re-examined by contestant:

Q. The signatures you have spoken of in your cross-examination as genuine are the signatures to the heading of said poll-book, or at the close of the same?—A. The signatures I speak of as being genuine are the signatures signed to the heading of the list.

Q. Does the names of the persons voting on said list precede the signatures or follow the same?—A. They follow the signatures, with the exception that the clerk signed at the foot of each page.

Q. Was the ballots of contestant printed or written on white paper, in this county, (Johnson?)—A. They were printed on white paper.

Q. When said ballots were folded to be placed or deposited in the ballot-box was there on them any distinguishing mark or marks?—A. There were no marks on the back of any of the ballots, and when folded with the back out there was no distinguishing mark visible.

Q. Please state whether on the poll-book or list of names voting for Representatives in Congress at district No. 7 of Johnson County, does the number of votes received by John M. Burns and John D. Young appear at the foot of said list, and does the certificates follow the number of votes given on the list?

(Contestee objects to this question because the record itself is the best evidence, is therefore incompetent. Objection heard and overruled.)

A. On the poll-book or list of names voting for Representative in Congress at district No. 7, the number of votes received by John M. Burns and John D. Young appears at the foot of said list, and the certificate follows the number of votes given on the list.

Q. Please state if the paper you now hold in your hand, marked B B, is a true copy of the list or poll-book of the Flat Gap precinct in Johnson County, being precinct No. 3 of said county, with all the writing thereon, and do you make said copy a part of your deposition?—A. The paper now in my possession marked B B is a true copy of the list or poll-book of the Flat Gap precinct in Johnson County, Kentucky, being precinct No. 3, or the one returned to this office by Newton M'Kin-

zie, whose name appears on said list as sheriff of said election precinct, and said copy contains all the writing thereon and I make it a part of this deposition.

Re-cross-examined.

Q. How many pages of blank paper appears on the list of voters returned from district No. 7, between where the number of votes is set down that Young and Burns received and the officers' certificate?—A. There are four and one-half pages between the number of votes and the certificate. Counting two pages to one sheet of legal cap paper, the list now is in the same condition as to fastenings that it was when delivered to me, being put together with paper fasteners, and Flat Gap or precinct No. 3 was fastened in the same way.

And further deponent saith not.

C. J. HOWES.

Also the deposition of Sheriff Davis, alias John W. Davis, taken at the same time and place and for the purposes mentioned in the caption.

The deponent, being of lawful age and first duly sworn, deposes and says:

By the contestant:

Question. Are you now, and were you the sheriff of Johnson County, Kentucky, and were you one of the members of the county board who examined and counted the vote of said county for the November election, 1872?

(Contestee objects to the taking of the deposition of this witness because no notice was given that the deposition of J. W. Davis would be taken, and because the name of the witness introduced is not Sheriff Davis, and no notice was given that any Davis deposition would be taken. Objections heard and sustained.)

N. A. BROWN, *P. J. C. C.*

The contestant excepts to the decision of the court because the witness offered is the witness named in the notice, and is the witness named in the subpœna issued for contestant.

J. M. BURNS.

STATE OF KENTUCKY,
County of Johnson, sct:

I, N. A. Brown, judge of the Johnson County court, do certify that the foregoing deposition of C. J. Howes was taken before me and was read to and subscribed by him in my presence at the time and place, and in the action mentioned in the caption, the said Howes having been first duly sworn by me, that the evidence he should give in the acti n should be the truth, the whole truth, and nothing but the truth, and his statements reduced to writing by himself in my presence, the contestant being present, and contestee being present by himself and attorney at the examination.

Given under my hand this February 4, 1873.

N. A. BROWN, *P. J. J. C. C.*

No. 4.—EXHIBIT A.—*Partial copy of poll-book of district No. 3, Johnson County, Kentucky.*

STATE OF KENTUCKY,
County of Johnson, sct:

The following contains a true list of all those voting for Representative in Congress, at district No. 3, Johnson County, Kentucky, at the election held November 5, 1872: John D. Young, 151 votes; John M. Burns, 37 votes.

Given under our hands this the 5 day of November, 1872.

D. H. HAMILTON, *Judge.*
B. F. SALYER, *Judge.*
NEWTON McKINZIE, *Sheriff.*
HENRY JAYNE, *Clerk.*

Joseph Williams.	John Baley.	A. J. Williams.
W. R. Bays.	Henry Cantrol, sr.	Isaac Lemaster.
William Lemaster.	Charles Stepleton.	J. M. Williams.
George W. McKinzie.	William McKinzie.	J. L. Lemaster.
W. A. Bays.	Joseph Salyer, jr.	G. W. Hay.
J. L. Williams.	Joseph Stepleton.	Joseph Lemaster.
David Danils.	Lewis Williams.	William F. Lemaster.
W'm E. Bond.	James Cantrol.	James M. Pelphrey.
N. P. Simer.	James M. McKinzie.	Jesse Hay.
Elijah Bays.	George Cantrol.	Daniel B. Lemaster.
Philip P. Simer.	John Gambrel.	C. G. Ramy.
Andrew Kimbler.	J. W. Fyffe.	T. F. McKinzie.
T. H. Salyer.	James Stepleton.	Scott Williams.
Edmond Sagraves.	William Lyon.	Nicklas Sparks.
Greenville Sagraves.	W. H. McKinzie.	Joseph Estep.
Joseph Rass.	J. A. Pelphrey.	John W. Adams.
B. H. Salyer.	Lafayette McKinzie.	John V. Lemaster.
Hardy Salyer.	Henry Daniel.	Danil Jayne.
Taylor Kimbler.	Henry Jayne, C. L. K.	Joseph H. Lemaster.
F. M. McKinzie.	James Lyon.	Daniel Bailey.
G. W. H. Kimbler.	John H. Holebrook.	W'm D. Diles.
Joseph F. Salyer.	Peter Kelley.	W'm Phillips.
John W. Kimbler.	Amos Lyon.	Thomas Hamilton.
James H. McKinzie.	Benjamin Evans.	Milton McDowel.
Aaron Fairchild.	Jesse Sparks.	Hewe McKinzie.
O. B. McKinzie.	C. F. Webb.	Henry Cantrol, jr.
John W. McKinzie.	John Cantrol.	E. E. Williams.
Blewford Brown.	Hezekiak Fairchild.	Henry Fairchild.
Oliver McKenzie.	Thomas A. Fairchild.	W'm McKinzie.
Henry Jayne, C. L. K.	Elias B. Blanton.	John D. Scaggs.
Caldwell Clark.	Enoch Fairchild.	James C. L. Johnson.
Hiram Estep.	Jesse Lyon.	Jacob Johnson.
W. B. Evans.	James H. Hamilton.	Arter Scaggs.
Calvin A. Gambrel.	Levi Pennington.	Henry Jayne, C. L. K.
Thomas Evans.	Shadrach Estep.	Peter Scaggs, sr.
John Sagraves.	Anderson Estep.	H. H. Williams.
G. W. Webb.	W. B. Blanton.	Robert Davidson.
J. J. Lemaster.	Hayden Lyon.	G. W. Penington.
Pleasant Holebrook.	Nimrod Hitchcock.	Stephen H. Wheeler.
Isaac Cox.	Eleazer Lemaster.	W'm W. Baley.

Allen Sparks.
John H. Williams.
Carlo Sagraves.
W'm F. Conley.
Henry Sparks.
Oliver Bailey.
Robert R. Williams.
W'm R. Holbrook.
David H. Cox.
Marideth Evans.
Moses Williams.
E. H. McKinzie.
W'm Sagraves, sr.
Stephen McKinzie.
Richard Lemaster, sr.
Ruphus Kezee.
Thomas Lemaster.
Isaac Williams.
James M. Williams.
T. J. Salyer.
Abner Fairchild.
Stephen Ross.
Willis Rigsby.
J. F. Brown.
Ira Gullet.
Jeramiah Scaggs.
Samuel Stepleton.
Henderson Williams.
Joseph Pelphrey.
W'm F. Gullet.
James Right.
J. C. Williams.
D. J. Conley.
David Sparks.
Hiram McKinzie.
Ambros Estep.
James M. Johnson.
Robert Williams.
W'm Pendleton.
S. G. Pendleton.
Reubin Kezee.
S. J. Williams.
Thomas Burchett.
Thomas C. Rose.
James K. Fife.
M. G. Sagraves.
John Lyon.
John Bunyard.
Greeville Scaggs.
Harison Dobyns.
Henry Jayne, C. L. K.
Thomas Williams.
W. W. Williams.
Nickles Sparks.
John Riggsby.
J. C. Barker.
W'm Cantrol.
Thomas McKinzie.
Frank Pelphrey.
Robert Williams.
Peter Scaggs.
W. O. Scaggs.
Ferdinand Ferguson.
Jesse Stafford.
James Baley.
Winson Lemaster.
Jackson Fyffe.
Owen Burk.
E. P. Williams.
B. F. Salyer.
D. H. Hamilton.
Newton McKinzie.
Henry Jayne.

HENRY JAYNE, *Clerk.*

STATE OF KENTUCKY,
County of Johnson, sct:

I, C. J. Howes, clerk of the Johnson County court, do certify that the foregoing contains a true copy of the "heading" of the list and of the names of the persons voting for Representative in Congress at, or which purports to be at, district No. 3, Johnson County, Kentucky, it being a copy of the list returned by the sheriff of election at said precinct, except a blank certificate at the foot of list.

Given under my hand this February 8, 1873.

C. J. HOWES,
Clerk Johnson County Court.

No. 5.—EXHIBIT B B.—*Full copy of the poll-book of district No. 3, Johnson County, Kentucky.*

STATE OF KENTUCKY,
County of Johnson, sct:

The following contains a true list of all those voting for representative in Congress at district No. 3, Johnson County, Kentucky, at the election held Nov. 5th, 1872: John D. Young, 151 votes; John M. Burns, 37 votes.

Given under our hands this the 5th day of November, 1872.

D. H. HAMILTON, *Judges.*
B. F. SALYER, *Judges.*
NEWTON McKENZIE, *Sheriff.*
HENRY JAYNE, *Clerk.*

Joseph Williams.
W. R. Bays.
William Lemaster.
George W. McKinzie.
W. A. Bays.
J. L. Williams.
David Daniel.
W'm E. Bond.
N. P. Simer.
Elijah Bays.
Philip P. Simer.
Anderson Kimbler.
T. H. Salyer.
Edmund Sagraves.
Greenville Sagraves.
Joseph Ross.
B. H. Salyer.
Hardys Salyer.
Taylor Kimbler.
F. M. McKinzie.
G. W. H. Kimbler.
Joseph F. Salyer.
John W. Kimbrel.
James H. McKinzie.
Aaron Fairchild.
O. B. McKinzie.
John W. McKinzie.
Blewford Brown.
Oliver McKinzie.
Henry Jayne, cl'k.
Caldwell Clark.
Hiram Estep.
Calvin A. Gambrel.
W. B. Evans.
Thomas Evans.
John Sagraves.
G. W. Webb.
J. J. Lemaster.
Pleasant Holbrook.
Isaac Cox.
John Baley.
Henry Cantrol, sr.
Charles Stepleton.
William McKinzie.
Joseph Salyer, jr.
Joseph Stapleton.
Lewis Williams.
James Cantrol.
James M. McKinzie.
George Cantrol.
John Gambrel.
J. W. Fyffe.
James Stepleton.
William Lyon.
W. H. McKinzie.
J A. Pelphrey.

Lafayatte McKinzie.
Henry Daniel.
Henry Jayne, cl'k.
James Lyon.
John H. Holbrook.
Peter Kelly.
Amos Lyon.
Benjamin Evans.
Jesse Sparks.
C. F. Webb.
John Cantrol.
Heziah Fairchild.
Thomas A. Fairchild.
Elias B. Blanton.
Enoch Fairchild.
Jesse Lyon.
James A. Hamilton.
Levi Penington.
Shadrach Estep.
Anderson Estep.
W. B. Blanton.
Hayden Lyon.
Nimrod Hitchcock.
Eleazer Lemaster.
A. J. Williams.
Isaac Lemaster.
J. M. Williams.
J. F. Lemaster.
G. W. Hay.
Joseph Lemaster.
William F. Lemaster.
James M. Pelphrey.
Jesse Hay.
Daniel B. Lemaster.
C. G. Ramey.
T. F. McKinzie.
Scott Williams.
Nicklas Sparks.
Joseph Estep.
John W. Adams.
John V. Lemaster.
Daniel Jayne.
Joseph H. Lemaster.
Daniel Baley.
W'm D. Diles.
W'm Phillip.
Thomas Hamilton.
Milton McDowel.
Hewe McKinzie.
Henry Cantrol jr.
E. E. Williams.
Henry Fairchild.
W'm McKinzie, sr.
John D. Scaggs.
James C. L. Johnson.
Jacob Johnson.

Arter Scaggs.
Henry Jayne, cl k.
Peter Scaggs.
H. H. Williams.
Robert Davidson.
G. W. Pennington.
Stephen H. Wheeler.
W'm W. Bailey.
Allen Sparks.
John H, Williams.
Carlo Sagraves.
W'm F. Conley.
Henry Sparks.
Oliver Baly.
Robert R. Williams.
W'm R. Holbrook.
David H. Cox.
Marideth Evans.
Moses Williams.
E. H. McKinzie.
W'm Sagraves, sr.
Stephen McKinzie.
Richard Lemaster, sr.
Rufus Kezee.
Thomas Lemaster.
Isaac Williams.
James M. Williams.
T. J. Salyer.
Abner Fairchild.
Stephen Ross.
Willis Rigsby.
J. F. Brown.
Ira Gullet.
Jeremiah Scaggs.
Samuel Stepleton.
Henderson Williams.
Joseph Pelphrey.
W'm F. Gullet.
James Right.
J. C. Williams.
C. J. Conley.
David Sparks.
Hiram McKinzie.
Ambros Estep.
James M. Johnson.
Robert Williams.
W'm Pendleton.
S. G. Pendleton.
Reubin Kezee.
S. J. Williams.
Thomas Burchett.
Thomas C. Rose.
James K. Fife.
M. G. Sagraves.
John Lyon.
John Banyard.

Greenville Scaggs.	Thomas McKinzie.	Jackson Fyffe.
Harison Dobyns.	Frank Pelphrey.	Owen Burk.
Henry Jayne, cl'k.	Robert Williams.	E. P. Williams.
Thomas Williams.	Peter Scaggs.	B. F. Salyer.
W. W. Williams.	W. O. Scaggs.	D. H. Hamilton.
Nicklas Sparks.	Ferdinand Ferguson.	Newton McKinzie.
John Riggsby.	Jesse Stafford.	Henry Jayne.
J. C. Barker.	James Baley.	
W'm Cantrol.	Winson Lemaster.	

HENRY JAYNE, *Clerk.*

STATE OF KENTUCKY,
County of Johnson, sct:

We, the undersigned, officers of election for district No. 3, Johnson County, Kentucky, do certify that the foregoing contains a true list of all those voting for representative in Congress, at the election held November 5, 1872, in district No. 3, this November 5, 1872.

——— ———, *Judge.*
——— ———, *Judge.*
——— ———, *Sheriff.*
——— ———, *Clerk.*

STATE OF KENTUCKY,
County of Johnson, sct:

I, C. J. Hines, clerk of the Johnson County court, do certify that the foregoing contains a true copy of what purports to be the list of persons voting for Representative in Congress at district No. 3, Johnson County, Kentucky, being a copy of the same list delivered at this office by the sheriff of said election precinct.

Given under my hand this February 4, 1873.

C. J. HINES,
Clerk of Johnson County court.

No. 6.—*Deposition of George F. Johnson.*

The depositions of Thomas D. Marcum and George F. Johnson, taken at the clerk's office in the town of Louisa, Lawrence County, Kentucky, agreeable to the notice hereto attached, to be used as evidence on the part of the contestant in a matter of contest before the Forty-third Congress of the United States for a seat therein, in which John M. Brems is the contestant, and John D. Young is the contestee:

GEORGE F. JOHNSON, being of lawful age and first duly sworn by me, states as follows:

Question 1. Mr. Johnson are you now the county court clerk of Lawrence County, Kentucky? And were you such clerk in November last, and, as such, did you constitute one of the board for the examination, and the comparison and counting the votes for the candidates for Congress in said county.

(The contestee, John D. Young, objects to the taking of the depositions of G. F. Johnson, T. D. Markham, and R. T. Burns. 1st. Because of the insufficiency of the notice. 2d. Because the notice fails to state the name of the officer before whom said depositions are to be taken. Objection heard and overruled, and J. B. Young excepts to the ruling of officer.)

J. J. JORDAN,
Judge of Lawrence County Court.

Answer. I am not now, nor was not in last November, clerk of the Lawrence County court. As deputy county court clerk of the Lawrence County county court I constituted one of theboard for the examination, comparison, and counting the vote taken in Lawrence County for the election of member of Congress from the tenth district in November last.

Q. Please state if you know the condition the ballot-box was in when delivered to you from the Dry Fork precinct of said county of Lawrence.—A. The ballot-box from Dry Fork, precinct No. 2, was delivered to me by B. E. Fugett, a deputy clerk Lawrence County court, who was in the clerk's office in my absence. When delivered to me the box was locked but not sealed; the opening in the box to receive the ballots was stopped with a piece of newspaper folded and stuck into it.

Q. Please state if you know who delivered or carried the ballot-box from said precinct to the clerk's office in this place? Was said box and poll-book brought in by an officer of the election at that precinct?—A. I don't know. I was not in the office when the ballot-box and poll-books were delivered there, nor did not see them brought to the office.

Q. How many votes or ballots was counted against the contestant from said precinct?—A. There were 53 votes counted for J. D. Young against contestant for the said precinct No. 2.

Q. Please state the majority that was counted against contestant at said precinct.—A. The majority counted for Young, against contestant, was 50; that is, 53 votes for J. D. Young and 3 votes for contestant.

Q. Please state if the person who brought in the poll-book and ballot-box from said precinct was pointed out to you; if so, who was it, and was he a sheriff or other officer of the election at that precinct?—A. He was not pointed out or shown to me. I know nothing about who he was, only from having been told by others.

Q. Was the paper which was stuffed in the opening of the ballot-box easily removed?—A. Yes.

Q. How far is it from the voting place in said precinct to the clerk's office in Louisa, where the ballot-box was delivered?—A. I do not know positively, I am not well acquainted with the route, but suppose it is seventeen miles or more.

Cross-examined by Jno. D. Young:

Cross-q. 1. Please state if you know what is the usual vote polled at the Dry Fork precinct, in this county, and the usual democratic majority at said precinct.

(Question objected to because the usual vote of said precinct is not in issue in this contest. Objection heard, and objection sustained.)—J. J. JORDAN, *Judge Lawrence County Court.*

Q. Are you acquainted with the handwriting of the officers whose names are affixed to the certificate on said poll-book; and, if so, are they genuine?—A. I am acquainted with the handwriting of John Thompson, the clerk of the election in that district. His signature to the certificate is genuine. I have some acquaintance with the handwriting of H. Blankinship, one of the judges, and with the handwriting of Geo. Webb, the sheriff of the election, but am not well acquainted with their handwriting. The signatures of Geo. Webb, sheriff, and of Henry Blankinship, as judge of the election, resemble the handwriting of those men respectively.

Q. How does the ballots in the ballot-box returned to you, and now on file in your office, agree with the number of votes certified by the officers of said election?—A. They now agree with the certificate pre-

cisely, and did so agree with the certificate at the time the polls were compared by the board.

Q. Do you know of any fraud in conducting the election in this county, either by changing votes or ballots, or by stuffing the ballot boxes?—A. I do not.

Q. Are you acquainted with R. F. Graham, of this county; and, if so, was he sheriff of East Fork precinct of this county?—A. I am acquainted with R. F. Graham and received the ballot-box and poll-books from him in November last, when he brought them to the clerk's office. He was not the sheriff of the election in said precinct, as appears of record and from the certificate with the poll-book.

Q. Please state the number of votes or ballots received at the East Fork precinct, by Mr. Burns and myself, and the difference between us?—A. As shown by the certificate on the poll-book and the tickets returned to my office in the ballot-box, and as I remember the number counted in comparing the vote, there was for Jno. M. Burns, contestant, 22 votes; for Jno. D. Young, contestee, 15 votes; making a difference of 7 votes majority for Jno. M. Burns, contestant, in that district.

Q. How long have we been voting by ballot?—A. November, 1872, was the first election ever held in Kentucky, to my knowledge, in which we voted by ballot.

Q How was the ballots deposited in the ballot-box at No. 10 precinct, in this county, folded or open, and what is the difference in the vote at said precinct between Mr. Burns and myself?—A. I do not know only from examining the ballots as they were returned to this office. From the appearance of a majority of the tickets they had been put in the box without folding. I was not present at that precinct when the election was held. The vote in this, No. 10, precinct stood for Jno. M. Burns, contestant, 48 votes, for Jno. D. Young, 40 votes.

Q. Please state the number of ballots or votes received by the contestant, John M. Burns, in this county, with "Hon." before his name, and other "distinguishing marks" printed on them; the number written on paper with the "distinguishing mark" of "red and blue lines" on them; also the number written on "blue lines of ruled paper."—A. Of the tickets or ballots in the November election, 1872, between Jno. M. Burns & John D. Young for Congress, 10th district, there were 335 of them printed on white paper, as follows: "For Congress, 10th district, Hon. John M. Burns, of Boyd," and 32 of them written on paper with large lines of red and blue ruled across the ordinary rules on the paper. The remainder of votes cast or tickets returned for Jno. M. Burns were written on ordinary writing paper, ruled.

Re-examined by contestant:

Q. Please state if R. F. Graham was an officer of the election at precinct No. 1 of this county, (Lawrence,) at November election, 1872?—A. R. F. Graham was clerk of the election of that precinct at the November election, 1872.

Q. Please state if the ballots you have spoken of as being on ruled paper, with red and blue on them, was not written on the ordinary white ruled legal cap paper, and if there was any other distinguishing marks, except the ruling on said paper?—A. Part of the tickets spoken of were written on legal cap paper and part on bill paper. There were no other distinguishing marks upon them. The paper was the ordinary white legal cap and the ordinary white bill paper.

Q. Please state, Mr. Johnson, if there is any name or names on the poll-book of the Dry Fork precinct, being No. 2, as candidates for Con-

gress?—A. There are not, only on the certificate of the officers of the election.

Q. Please state if there is any names in the columns of those voting for Representatives in Congress on said book?—A. There are none.

Q. Is said poll-book signed by the clerk of the election of that precinct?—A. The book is not signed by the clerk of the election; only the certificate is signed by him.

Question by contestee:

Q. How many names appear upon the poll-book of district No. 2, of persons voting for presidential electors, and how does the number of names so recorded agree with the number of ballots in the box, and certified by the officers of the election at that precinct for members of Congress?—A. Fifty-four names appear upon the poll-books as having voted for presidential electors in the election in November, 1872, and in the ballot-box there are 56 tickets, showing that 56 persons voted in the election for members of Congress, making 2 votes more in the election for members of Congress than were cast for presidential electors.

Adjourned until to-morrow at nine o'clock a. m.

J. J. JORDAN,
Judge Lawrence County Court.

Met pursuant to adjournment.

Re-examination of G. F. Johnson resumed by contestant:

Q. Please state the number of ballots counted or cast for contestee at the Dry Fork precinct that was written on paper with blue lines on them?

(The contestee objects to the question as propounded, because the notice of the contestant alleges no grounds or objections to any ballots of the contestee having any marks of distinction on them. Objection heard and overruled.—J. J. JORDAN, *Judge Lawrence County Court.*

The contestee excepts to the ruling of the court herein.)

A. Twenty-six ballots were cast for Young, written on ordinary white paper, with rules as ordinary writing paper.

Q. Please state what the politics of the judges, clerk, and sheriff of the election, at the Dry Fork precinct, was at and before the election of November, 1872.—A. H. Blankenship, one of the judges, claims to be a democrat. I know nothing about the politics of A. T. Webb. I have heard Geo. W. Webb claim to be a democrat, and have also known him to vote the republican or radical ticket. John Thompson, the clerk, claims to be a democrat, but I have known him to vote republican or radical ticket.

Q. Please state if there is any certificate on the poll-book of the Dry Fork precinct, at the end of the list of voters' names, signed by the officers of said election. The certificate you find in the poll-book is it not on a loose piece of paper in no way attached to the poll-book?—A. The certificate to the poll-book referred to is on a separate piece of paper, and when received in the office, (or when opened,) was slipped between the leaves of the poll-book, loose. There is no certificate attached to the poll-book.

Q. Please state if the paper now presented to you is a true and correct copy of the poll-book at the Dry Fork precinct; and are you willing to make the same a part of your deposition? The paper presented is marked H H.—A. The paper, presented and filed, is marked H H, and is a true copy of the poll-book referred to, and I here make it a part of my deposition.

Q. Please state if the poll-book, at precinct No. 3 of Lawrence County, is certified at the end of the list of names of persons voting. Is each page of said poll-book signed by the clerk of the election?—A. The poll-book of district No. 3 is not signed by clerk at the foot of each page, and there is no certificate attached to the poll-book of the result the election; the certificate is on a loose paper accompanying the poll-book.

Q. Please state how many votes were counted against contestant from second precinct.—A. There were 50 votes counted from that district against contestant and for contestee; and 21 votes cast for contestant and against contestee, making, in the count, a majority in said district for contestee of 29 votes.

Re-cross-examination by contestee:

Q. Please state the number of votes or ballots cast at the Bezblain or precinct No. 4, for member of Congress at the last November election, and the majority for contestant.—A. There were counted for contestant and contestee, votes as follows: For Jno. M. Burns, contestant, 103 votes; for Jno. D. Young, contestee, 59 votes; giving contestant a majority at that precinct, No. 4, 44 votes.

Q. Please state how said poll-book was certified.—A. The certificate, accompanying the poll-book, was on a loose paper slipped between the leaves of the poll-book, and not attached to the book.

Q. How was all the poll-books of this county certified, and what is the vote of each precinct in the county, and the majorities for and against contestee, at each precinct?—A. Poll-book of district No. 1 is certified on a loose or separate paper, and is not signed by any officer at the foot of the pages. The vote in that district stood: For Jno. M. Burns, contestant, 22 votes; for J. D. Young, contestee, 15 votes; majority for contestant of 7 votes. District No. 2, Dry Fork, the poll-book is certified by loose or separate paper or certificate, and is not signed by the clerk at the foot of each page. The vote in this district stood and was counted: For J. D. Young, contestee, 53 votes; for J. M. Burns, contestant, 3 votes; majority for contestant in this district, 50 votes.

The poll-book from district No. 3 is certified on separate paper from the poll-book, and is not signed by the clerk at the foot of pages. The vote in this district, as counted, stood: For Jno. D. Young, contestee, 50 votes; for Jno. M. Burns, contestant, 20 votes; leaving a majority for contestee, Young, of 30 votes.

The poll-book of district No. 4 is certified on separate paper, loose from poll-book, and is signed by clerk at the foot of each page. The vote in district No. 4 is as follows: For Jno. M. Burns, 103; for Jno. D. Young, 59; majority for contestant, 44.

The poll-book for district No. 5 has the certificate attached to the book, but the poll-book is not signed at the foot of the pages by clerk. The vote in district No. 5 is, for Jno. M. Burns, contestant, 29 votes; for Jno. D. Young, contestee, 19 votes; majority for Burns, contestant, 10 votes.

The poll-book of district No. 6 has the certificate attached to the book, and is signed by the clerk at the foot of each page. The vote in district No. 6 is as follows: For Jno. D. Young, contestee, 41; for Jno. M. Burns, contestant, 35; majority for Jno. D. Young, contestee, 6.

The poll-books of district No. 7 had no certificate attached, but was loose and accompanied the books. The vote was as follows: For Jno. M. Burns, contestant, 36; for Jno. D. Young, contestee, 7; majority for

Burns, contestant, 29. The poll-book signed by clerk at the foot of each page.

The poll-book for district No. 9 had the certificate attached to the book, and was signed by the clerk at the foot of each page. The vote stood as follows: For Jno. D. Young, contestee, 114; for Jno. M. Burns, contestant, 105; majority certified for Young, 9. However, in counting the tickets, the board found that the tickets stood as follows: For Jno. D. Young, 115; for Jno. M. Burns, 105; majority for Jno. D. Young, 10; which last count was so certified, in comparing the polls, to secretary of the state.

The poll-books for district No. 10 were certified on separate paper which accompanied the books, and the book is signed at the foot of each page by the clerk of election. The vote stood as follows: For Jno. M. Burns, contestant, 48; for Jno. D. Young, 40; majority for Jno. M. Burns, 8.

The poll-books for district No. 11 were certified on separate paper, accompanying book, and is signed by clerk of election at foot of page. Vote stood as follows: Jno. D. Young, received 18; Jno M. Burns received 17; majority for Young, 1.

The poll-books for district No. 12 were certified on separate paper. Poll-book not signed by clerk at foot of page. The vote stood: John M. Burns received 20; Jno. D. Young received 19; majority for Jno. M. Burns, 1.

The votes, as certified by the certificates accompanying the poll-books, were found, in one or two instances, to not correspond with the number of ballots in the boxes, and the votes, in comparing the same and certifying it to secretary of state, was counted according to the number of tickets found in the boxes; which makes a slight variation or discrepancy between the certificates accompanying the poll-books and the vote as counted by the comparing board, of not more than two or three votes. I think the difference in the aggregate is only one vote after making the changes. I do not now remember the districts in which the discrepancy was found to exist; only the difference, spoken of in district No. 9, of 1 vote.

Q. Please state how many poll-books of the county are signed and certified in strict accordance to the "act of the Kentucky legislature."—A. I have read the law referred to, and, as I understand it, there are only two poll-books that were returned in this county that are exactly in compliance with it, viz, No. 6 and No. 9 districts.

(The above question and answer objected to by contestant because the poll-books and certificates are the best evidence, or authenticated copies thereof, and because the question involves the opinion only of the witness.)

Q. Please state the majorities of the contestee, Jno. D. Young, at precincts Nos. 6 and 9.—A. In district No. 6 the vote stood: For Young, contestee, 41 votes; for Jno. M. Burns, contestant, 35 votes; majority for Young, 6 votes.

In district No. 9 the vote stood, according to the number of tickets in the ballot-box: For Young, contestee, 115; for Burns, contestant, 105; majority for Young, 10 votes; making in both said districts a majority for J. D. Young of 16 votes.

Q. Please make a duplicate of the ballots cast for the contestant in this county, at the last November election, showing the distinguishing marks on them, and make said duplicates a part of this deposition, marked 1, 2, and 3 and 4.—A. I here annex duplicate of tickets used in voting for Jno. M. Burns, at the November election, 1872, for Con-

gress, marked Nos. 1, 2, 3, and 4. No. 1 shows the red and blue line of legal cap paper; No. 2 represents tickets printed on white paper without rules; No. 3 represents tickets written on ordinary writing-paper, ruled; No. 4 represents printed tickets used, which were on white paper. I also file and annex a copy of the tickets written on bill-paper, (marked No. 5;) each of which I make part of this my deposition.

G. F. JOHNSON.

No. 1.

JOHN M. BURNS.

No. 2.

Hon. JOHN M. BURNS.

No. 3.

JOHN M. BURNS.

No. 4.

FOR CONGRESS,

Tenth District, Kentucky,

Hon. JOHN M. BURNS,

of Boyd.

No. 5.

JOHN M. BURNS.

The contestant excepts and objects to the question and answer last above—first, because the question is not pertinent to the issues in the contest; second, because the samples given as duplicates are not evidence for any purpose, and in fact are not duplicates of the ballots referred to.

J. M. BURNS, *Contestant.*

No. 7.—*Agreement between the parties as to deposition of T. D. Marcum.*

The taking of the deposition of T. D. Marcum is, by agreement, dispensed with, and in lieu thereof the contestee agrees that it is a fact that the poll-book and ballot-box from the Dry Fork precinct, being No. 2 of the county of Lawrence, Kentucky, was carried from the place of voting to the clerk at Louisa, Kentucky, by a boy from fifteen to eighteen years of age, and that he was no officer of said election, as the boy so said to him. The contestee, by this admission, does not waive his objection to the ruling of the court in taking depositions under the notices of contestant, or any other rights he may have.

JNO. D. YOUNG.
JOHN M. BURNS.

No. 8.—*Certificate to deposition and agreement.*

I, John J. Jordan, judge of the Lawrence County court, do certify that the foregoing deposition of George F. Johnson, and for the agree-

ment for T. D. Marcum deposition, were taken before me, and was read to and subscribed by the said G. F. Johnson, and by John D. Young and John M. Burns, in my presence, at the time and place mentioned in the caption, the said Johnson having been first sworn by me that the evidence that he should give should be the truth, the whole truth, and nothing but the truth, and his statements reduced to writing by him, in my presence, the contestant and contestee both being present at the examination.

Given under my hand this 11th day of February, 1873.

JOHN J. JORDAN,
Presiding Judge Lawrence County Court.

No. 9.—EXHIBIT H H.—*Copy of poll-book used in Lawrence County.*

A list of those voting for Representatives in Congress at Caney Fork precinct, or voting-place in Lawrence county, at the election held on the 5th day of November, 1872.

Oath of officers.

COMMONWEALTH OF KENTUCKY,
Lawrence County, sct.:

We do solemnly swear (or affirm) that each of us will support the Constitution of the United States and the constitution of this State, and be faithful and true to the commonwealth of Kentucky, so long as we continue to be citizens thereof; that we will faithfully execute, to the best of our abilities, the office of judges, clerk and sheriff of the November, 1872, election according to law, and we do further severally solemnly swear (or affirm) that since the adoption of the present constitution we, being citizens of this State, have not fought a duel with deadly weapons within this State nor out of it with a citizen of this State, nor have we, or either of us, sent or accepted a challenge to fight a duel with deadly weapons with a citizen of this State, nor have we acted as second in carrying a challenge, or aided or assisted any person thus offending. So help us God.

HENRY BLANKENSHIP, *Judge.*
A. T. WEBB, *Judge.*
G. W. WEBB, *Sheriff.*
JOHN THOMPSON, *Clerk.*

Subscribed and sworn to before me this 5th day of November, 1872.

JOHN THOMPSON, *D. C.*

Voters' names.	Liberal-Democratic ticket for electors.													Republican ticket for electors.											
		George B. Hodge.	James A. McKenzie.	J. M. Bigger.	Eli H. Brown.	R. S. Bevier.	J. M. Atherton.	R. A. Jones.	H. Cox.	W. C. P. Breckenridge.	R. E. Little.	A. L. Martin.	H. L. Stone.	Chas. Eginton.	G. M. Thomas.	Lucian Anderson.	Sam'l E. Smith.	D. R. Carr.	Richard J. Brown.	Harvey M. Buckley.	Oliver W. Root.	Gabriel Burbett.	S. S. Fry.	W. H. Holt.	J. W. Anderson.
Elijah McKinney	1	1	1	1	1	1	1	1	1	1	1	1	1	....	....	....	....	....	....	....	....	....	....	....	....
Emery McKinney	2	2	2	2	2	2	2	2	2	2	2	2	2	....	....	....	....	....	....	....	....	....	....	....	....
Martin Thompson	3	3	3	3	3	3	3	3	3	3	3	3	3	....	....	....	....	....	....	....	....	....	....	....	....
Alfred Penington	4	4	4	4	4	4	4	4	4	4	4	4	4	....	....	....	....	....	....	....	....	....	....	....	....
Charles Hix	5	5	5	5	5	5	5	5	5	5	5	5	5	....	....	....	....	....	....	....	....	....	....	....	....
Wesley Webb	6	6	6	6	6	6	6	6	6	6	6	6	6	....	....	....	....	....	....	....	....	....	....	....	....
John Mullen	7	7	7	7	7	7	7	7	7	7	7	7	7	....	....	....	....	....	....	....	....	....	....	....	....
W'm R. Blankenship	8	8	8	8	8	8	8	8	8	8	8	8	8	....	....	....	....	....	....	....	....	....	....	....	....
W'm Lensings	9	9	9	9	9	9	9	9	9	9	9	9	9	....	....	....	....	....	....	....	....	....	....	....	....
Selmer Justice	10	10	10	10	10	10	10	10	10	10	10	10	10	....	....	....	....	....	....	....	....	....	....	....	....
William Wells	11	11	11	11	11	11	11	11	11	11	11	11	11	....	....	....	....	....	....	....	....	....	....	....	....
John Kassel	12	12	12	12	12	12	12	12	12	12	12	12	12	....	....	....	....	....	....	....	....	....	....	....	....
M. V. Thompson	13	13	13	13	13	13	13	13	13	13	13	13	13	....	....	....	....	....	....	....	....	....	....	....	....
William Webb	14	14	14	14	14	14	14	14	14	14	14	14	14	....	....	....	....	....	....	....	....	....	....	....	....
William Penington	15	15	15	15	15	15	15	15	15	15	15	15	15	....	....	....	....	....	....	....	....	....	....	....	....
Nehemiah Kitchen	16	16	16	16	16	16	16	16	16	16	16	16	16	....	....	....	....	....	....	....	....	....	....	....	....
Spence Perkins	17	17	17	17	17	17	17	17	17	17	17	17	17	....	....	....	....	....	....	....	....	....	....	....	....
Kenas Hensley	18	18	18	18	18	18	18	18	18	18	18	18	18	....	....	....	....	....	....	....	....	....	....	....	....
Isaac Parkins	19	19	19	19	19	19	19	19	19	19	19	19	19	....	....	....	....	....	....	....	....	....	....	....	....
John P. Penington																									
James Kitchen	20	20	20	20	20	20	20	20	20	20	20	20	20	....	....	....	....	....	....	....	....	....	....	....	....
David Fannon	21	21	21	21	21	21	21	21	21	21	21	21	21	....	....	....	....	....	....	....	....	....	....	....	....
Richard Jordan	22	22	22	22	22	22	22	22	22	22	22	22	22	....	....	....	....	....	....	....	....	....	....	....	....
S. Roberts	23	23	23	23	23	23	23	23	23	23	23	23	23	....	....	....	....	....	....	....	....	....	....	....	....
R. B. Lunsford	24	24	24	24	24	24	24	24	24	24	24	24	24	....	....	....	....	....	....	....	....	....	....	....	....
James Woods	25	25	25	25	25	25	25	25	25	25	25	25	25	....	....	....	....	....	....	....	....	....	....	....	....
Henry Penington	26	26	26	26	26	26	26	26	26	26	26	26	26	....	....	....	....	....	....	....	....	....	....	....	....
W'm Jasson Penington	27	27	27	27	27	27	27	27	27	27	27	27	27	....	....	....	....	....	....	....	....	....	....	....	....
Levy Preston Penington	28	28	28	28	28	28	28	28	28	28	28	28	28	....	....	....	....	....	....	....	....	....	....	....	....
John W. Penington	29	29	29	29	29	29	29	29	29	29	29	29	29	....	....	....	....	....	....	....	....	....	....	....	....
Andrew J. Webb	30	30	30	30	30	30	30	30	30	30	30	30	30	....	....	....	....	....	....	....	....	....	....	....	....
James Penington	31	31	31	31	31	31	31	31	31	31	31	31	31	....	....	....	....	....	....	....	....	....	....	....	....
Henry M. Hutchison	....	....	....	....	....	....	....	....	....	....	....	....	....	1	1	1	1	1	1	1	1	1	1	1	1
William Large	....	....	....	....	....	....	....	....	....	....	....	....	....	2	2	2	2	2	2	2	2	2	2	2	2
ames Webb	32	32	32	32	32	32	32	32	32	32	32	32	32	....	....	....	....	....	....	....	....	....	....	....	....

Voters' names.	Liberal-Democratic ticket for electors.													Republican ticket for electors.											
		George B. Hodge.	James A. McKenzie.	J. M. Bigger.	Eli H. Brown.	R. S. Bevier.	J. M. Atherton.	R. A. Jones.	H. Cox.	W. C. P. Breckenridge.	R. E. Little.	A. L. Martin.	H. L. Stone.	Cha's Eginton.	G. M. Thomas.	Lucian Anderson.	Sam'l E. Smith.	D. R. Carr.	Richard J. Brown.	Harvey M. Buckley.	Oliver W. Root.	Gabriel Burbett.	S. S. Fry.	W. H. Holt.	J. W. Anderson.
Giles Green	33	33	33	33	33	33	33	33	33	33	33	33	33	....	....	....	....	....	....	....	....	....	....	....	....
Nathan Hallon	34	34	34	34	34	34	34	34	34	34	34	34	34	....	....	....	....	....	....	....	....	....	....	....	....
George Knee	35	35	35	35	35	35	35	35	35	35	35	35	35	....	....	....	....	....	....	....	....	....	....	....	....
William McKinney	36	36	36	36	36	36	36	36	36	36	36	36	36	....	....	....	....	....	....	....	....	....	....	....	....
Lindsey Lester	37	37	37	37	37	37	37	37	37	37	37	37	37	....	....	....	....	....	....	....	....	....	....	....	....
Henry I. Penington	38	38	38	38	38	38	38	38	38	38	38	38	38	....	....	....	....	....	....	....	....	....	....	....	....
Levy Webb	39	39	39	39	39	39	39	39	39	39	39	39	39	....	....	....	....	....	....	....	....	....	....	....	....
Thomas Lester	40	40	40	40	40	40	40	40	40	40	40	40	40	....	....	....	....	....	....	....	....	....	....	....	....
Elisha Webb	41	41	41	41	41	41	41	41	41	41	41	41	41	....	....	....	....	....	....	....	....	....	....	....	....
James Heix	....	....	....	....	....	....	....	....	....	....	....	....	....	3	3	3	3	3	3	3	3	3	3	3	3
Abel Penington	42	42	42	42	42	42	42	42	42	42	42	42	42	....	....	....	....	....	....	....	....	....	....	....	....
Andrew Woods, sr	43	43	43	43	43	43	43	43	43	43	43	43	43	....	....	....	....	....	....	....	....	....	....	....	....
Andrew Wood, jr	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
William Plummers	44	44	44	44	44	44	44	44	44	44	44	44	44	....	....	....	....	....	....	....	....	....	....	....	....
Isaac Swings	45	45	45	45	45	45	45	45	45	45	45	45	44	....	....	....	....	....	....	....	....	....	....	....	....
Allen T. Webb	46	46	46	46	46	46	46	46	46	46	46	46	46	....	....	....	....	....	....	....	....	....	....	....	....
Henry Blankenship	47	47	47	47	47	47	47	47	47	47	47	47	47	....	....	....	....	....	....	....	....	....	....	....	....
George Webb	48	48	48	48	48	48	48	48	48	48	48	48	48	....	....	....	....	....	....	....	....	....	....	....	....
John Thompson	49	49	49	49	49	49	49	49	49	49	49	49	49	....	....	....	....	....	....	....	....	....	....	....	....
John Woods	50	50	50	50	50	50	50	50	50	50	50	50	50	....	....	....	....	....	....	....	....	....	....	....	....
Allen Murphy	51	51	51	51	51	51	51	51	51	51	51	51	51	....	....	....	....	....	....	....	....	....	....	....	....

John D. Young 53
John M. Burns 3

COMMONWEALTH OF KENTUCKY,
Lawrence County, sct.:

We, the undersigned, officers of the election held at the Caney Fork precinct on the 5th day of November, 1872, do hereby certify that the following is a true and correct statement of the vote taken for the respective offices as follows, to wit: John D. Young, 51 votes; John M. Burns, 3; Horace Greeley, 51 votes; Ulysses Grant, 3.

Witness our signatures this 5th day of November, 1872.

HENRY BLANKENSHIP,
A. T. WEBB,
Judges.
G. W. WEBB, *Sheriff.*
JOHN THOMPSON,

STATE OF KENTUCKY,
Lawrence County, sct.:

I, J. F. Johnson, deputy clerk for R. F. Vinson, clerk of the Lawrence County court, do certify that the foregoing is a true copy of the poll-book returned from the Dry Fork precinct No. 2, of Lawrence County, November, 1872, except that the certificate accompanying the original poll-book was not attached to the book, but is on separate piece of paper.

Given under my hand on the 11th day of February, 1873.

R. F. VINSON, *Clerk,*
By G. F. JOHNSON, *Deputy Clerk.*

No. 10.—*Deposition of Geo. Bernard Pouge.*

The depositions of Bernard Pouge, E. R. Banett, Abraham Baker, and J. J. Bradford taken at the clerk's office in Brooksville, Bracken County, Kentucky, on the 24th day of February, 1873, agreeable to notice, said depositions to be read as evidence on the part of the contestant in a certain matter of contest for a seat in the Forty-third Congress of the United States, in which John M. Burns is contestant, and John D. Young is contestee.

The deponent, being of lawful age and first duly sworn, states in answer to questions as follows:

Question. Mr. Benard Pouge are you the county court clerk of Bracken County, and were you such on the 8th of November, 1872?

(John D. Young comes and excepts to the taking of the deposition. Because, 1st. The name of the officer before whom the depositions are being taken are not named in the notice. 2d. Because the names of the witnesses are not given as their full names.)

Answer. I, Geo. B. Pouge, am clerk of the Bracken County court, and was clerk of said court on the 8th day of November, 1872.

Q. Did you constitute one of the board who examined, counted, and certified the vote of said county polled for Representative in Congress on the 5th of November, 1872, in said county of Bracken?—A. I was not.

Q. Had you any deputy or deputies on the 8th day of November, 1872? If yea, name them.—A. I had deputies on the 8th day of November, 1872, to wit, James H. Humlong, A. G. Woodward.

Q. Do you know who carried and delivered the ballot-box of each pre-

cinct in the county to this office? If yea, name the person from each precinct. State if each box was sealed and locked, and if each book was sealed, and if the book was in the ballot-box.—A. I do not know who carried the ballot-boxes to this office. I do not know whether the boxes were sealed or not, or whether the books were in the boxes, or whether they were locked; there is locks on each box.

Q, You will now please examine each poll-book, beginning with No. 1, and state how many pages and half pages there are not signed officially by the respective clerks of each precinct; also give the number of votes at each precinct given for contestant and for contestee separately as certified.—A. I have examined the poll-books, commencing with No. 1, and find in No. 1 one fraction of a page not signed at the bottom by the clerk, and in No. 3 one page and a fraction of a page that is not signed by the clerk of the precint, and in all the other precincts the clerk has signed each page of the poll-books, and I find that the certificates show the votes certified from each district as follows: No. 1, for John D. Young, 223; for Jno. M. Burns, 135; in No. 2, for Jno. D. Young, 101; for Jno. M. Burns, 59; in No. 3, for Jno. D. Young, 297; for Jno. M. Burns, 109; in district No. 4, for Jno. D. Young, 102; for John M. Burns, 51; in district No. 5, for Jno. D. Young, 108; for Jno. M. Burns, 94; in No. 6, for Jno. D. Young, 64; for Jno. M. Burns, 56 votes; and in district No. 7, for Jno. D. Young, 72 votes; and for Jno. M. Burns 80 votes.

Q. Please state if the left-hand side page of the poll-book of district No. 3, embracing the column for names of persons voting for Representatives in Congress and the Greely and Brown electoral tickets, is signed by the clerk of said election; please state the number of pages on each poll-book described as above, that is not so signed by the respective clerks at each precinct.—A. I have carefully examined poll-book No. 3, and the clerk has signed each page on the right-hand side of the page, except page 3, which is not signed, and page 13, which is a fraction which is not signed by the clerk; the pages embraced the votes for Congress and the votes for Grant, Greeley and O'Conner electors, and it is not signed on the left-hand side of the pages of said poll-book. Poll-book No. 3 has thirteen pages on it. Poll-book No. 1 has twelve pages, and the clerk has not signed the last page as clerk; all the other pages are signed by him. District No. 2 is signed by the clerk on the right and left hand of each page. No. 4 is signed on the left-hand side of each page, but five pages are not signed by the clerk on the right-hand side of the pages; it contains six pages. District No. 5 has eight pages, the clerk has signed the poll-book on the right and left hand side of each page, except the last page, which is only signed by him on the right-hand side of said page, which is a fraction. District No. 6 has four pages, which is signed by the clerk on the right hand side of each page, but is not signed by him on the left hand of the pages. Poll-book No. 7 has seven pages, which is signed by the clerk on the right-hand side of each page at the bottom, but is not signed by him on the left-hand side.

Q. Please examine the original certificate of the vote of Bracken County, marked B, and state if you are willing to make the same a part of your deposition.—A. I have examined the certificate of the vote of Bracken County, and am willing to make it a part of my deposition, marked B.

Q. Please state if the clerk of Bracken County court, or either of his deputies, or if the sheriff of said county, or either of his deputies, have signed said certificate as one of the examining board of said county.—

A. The clerk or his deputies have not signed the certificate, or the sheriff or his deputies have not signed said certificate of the vote of Bracken County.

Q. Was the clerk of Bracken County a candidate for any office in the gift of the people at the election held in said county on the 5th November, 1872, or was the sheriff of said county a candidate for any office as aforesaid in said county?—A. Neither the clerk nor the sheriff were candidates for election to any office at said election.

Q. Please state if there is any certificate on any leaf of any one of the poll-books you have examined, from No. 1 to No. 7, inclusive, of Bracken County?—A. There is a certificate on one leaf of each of the poll-books, including No. 1 to 7.

Q. Please state if the official oath of office and the certificates you refer to are not entirely separate from the leaves of the various poll-books, from No. 1 to No. 7, inclusive, and is not each certificate on a separate piece of paper, fastened with mucilage to paste-board, constituting the back or covering of the poll-book proper?—A. The certificate and the oath of office is printed on a separate piece of paper and pasted on the first and last leaf of said books, which is of heavy paper, and constitutes a part of each poll-book.

Q. Are the certificates on the books or coverings of said poll-books, and are the backs made as paste-board, and do they constitute leaves in the poll-book?—A. The certificates are on the inside of the backs of said poll-books. The backs are heavy paper, but not so heavy as paste-boards are usually made, and they do constitute leaves in the poll-books.

Q. Did you count them as pages or leaves in the former part of your deposition; are not the leaves of the poll-book fastened to these backs with twine?—A. In the former part of my deposition I only referred to such pages as contained the votes, and the whole book in each are sewed together with heavy thread, embracing the covering or heavy leaves referred to in my former answer.

Q. Please state if you know if the certificates on each book of the poll-books were all filled up and signed before their delivery to this office, or afterward; who filled them, or was any of them amended, altered, or changed after they came to this office? If yea, in what was they changed, altered, or amended, and who did it, and in what book or books was it done?—A. I do not know when or where the certificates were filled up and signed, or by whom they were filled or signed, except from the certificates themselves. I know of no alterations or changes that have been made in the certificates, and I think that they are now just as they were when I first examined them in my office.

Q. Please examine the last page on poll-book No. 6 and state how much of the last leaf there is cut off and gone, and state what writing appears on the remainder of the leaf, and state if the vote for congressman is not put down below that place on the certificate where it is dated, and the words "witness our signatures?"—A. In poll-book No. 6 there is about three-fourths of the leaf of the poll-book that is cut out, being the last leaf before the one containing the certificate, and the leaf or part left has the words "election certificate" written on it, and the vote for congressmen is below the words "witness our signatures"—the date is at the top of the certificate—and of course is below the date; that is, the vote for congressmen.

Q. Please state the number of leaves or pages intervening on each poll-book from the last name voting on each to the back of the poll-book, where the certificate is pasted. State if said leaves are blank

leaves.—A. In district No. 1 there are fourteen blank leaves from the last one, containing votes to the certificate. In No. 2 there is seven leaves; in No. 3 there is fifteen; in No 4 there is five leaves; in No. 5 there is five leaves; in No. 6 there is four and a fraction or part of leaf; in No. 7 there is seven leaves from the last one on which votes are recorded to the certificate.

Q. Please state if the votes on poll-book No. 2 are set down in numerals, beginning at the top of each page with the figure 1 and going on in numerical succession?—A. In the congressional vote the vote is set down on each page, by commencing with one and going on with the numerals of the total vote to the bottom of each page. In the vote for electors the first page commences with one and going to three, and then proceed by a single mark opposite the name of each voter.

Q. Please state if you know how many ballots or votes cast or given for contestant in this county (Bracken) was rejected or thrown out and not counted, either by the county or district boards.—A. I do not know how many, if any, votes were thrown out by the district or county boards.

Q. Please compare the certificate marked B, and made a part of your deposition, with the number of votes certified by the district boards, both for contestant and contestee, and state the discrepancy, if any, and in whose favor such discrepancy operates.—A. In the examination of the certificate of the county board, I find the vote given for John D. Young 975, and for Jno. M. Burns 548, making a majority for Young of 427 votes. In a calculation of the votes certified by the district boards, I find the aggregate given for Jno. D. Young 968, and for Jno. M. Burns 584 votes, making the majority for Jno. D. Young 383 votes, there being a difference of 44 votes in the returns of the district and county boards. The county board gives Jno. D. Young 8 more votes than is certified by the district board, and gives Jno. M. Burns 36 votes less than is certified by said board.

Q. Do you know of any illegal votes having been cast for contestee in this county? If yea, state the number; also state if the officers of the election at the various precincts in this county (Bracken) were divided politically equally. If not, state the precincts where such division did not exist, and how said officers were divided politically.—A. I do not know of any illegal votes cast for either candidate in the election. In district No. 1 the officers are equally divided; in No. 2 also. In district No. 3 three are democrats. The other I do not know. In No. 4 they were equally divided. In No. 5 there are three democrats and one republican. No. 6 is equally divided. No. 7 they were equally divided in political cast.

Examined by J. D. Young:

Q. Were you in the county of Bracken on the 6th, 7th, or 8th days of November, 1872; and, if not, where were you?—A. I was not in the county of Bracken on the 6th, 7th, or 8th days of November, 1872. I was in Cynthiana, Harrison County, attending the circuit court in session, as a witness under a subpœna from that court.

Q. Who was the sheriff of Bracken County on the 8th day of November, 1872?—A. George L. Bradford.

Q. Was George L. Bradford the sheriff in the county of Bracken on the 8th day of November, 1872?—A. George L. Bradford was not in the county of Bracken on the 8th day of November, 1872. I saw him on the morning of that day in Harrison County, going on train in an opposite direction.

Q. What is the name of the town in which the county seat of Bracken County is located, and in what election precinct is the county seat?—A. The county seat of Bracken is in the town of Brooksville, and the county seat is in district 1.

Q. Are you acquainted with Charles Day and James Southerland; if so, what official positions did they occupy in November, 1872; and are you acquainted with their hand-writing?—A. I am acquainted with Charles Day and James Southerland, and were in November, 1872; they were justices of the peace in district No. 1, in Bracken County. I am acquainted with the hand-writing of each.

Q. Were they justices of the peace in the election precinct in which the county seat is located; and were they the two justices residing nearest to the county seat?—A. They were justices of the peace in the district in which the county seat is located, and were the two nearest justices to the county seat.

Q. Who was the county judge in the county of Bracken during the entire year 1872; and are you acquainted with his hand-writing?—A. C. C. Power was the county judge in the year 1872; and I am acquainted with his hand-writing.

Q. Look at the certificate marked B and filed with a former answer of your depostion, and signed C. C. Power, presiding judge, and Charles Day and James Southerland, justices peace Bracken County, and say if they are the genuine signatures of each.—A. I have examined certificate marked B, and the signature of C. C. Power, presiding judge, Charles Day and James Southerland, justices peace Bracken County, are the genuine signatures of each.

Re-examined by contestant:

Q. When you were absent from Bracken County on the 6th, 7th and 8th of November, 1872, did you leave in the county court clerk's office in Brookville a deputy or deputies to attend to your official business in your absence? If yea, name them.—A. When I was absent in November, 1872, I left in my office two deputies to attend to my official business, namely, James H. Humlong and A. G. Woodward.

Q. Please state how many deputies the sheriff of Bracken County had in November, 1872; please name them.—A. I believe he had two deputies in November, 1872, namely, J. M. Bradford and W. J. Irvin.

Q. State where each of them resided then. I mean in November, 1872.—A. One of the deputies resided in Augusta, and the other at the house of Mrs. Toleman, about five miles from Brooksville.

Q. Does the sheriff or one of his deputies visit the clerk's office daily?—A. Not always; but generally they do.

And further saith not.

GEORGE B. POAGE.

Adjourned to meet to-morrow morning at nine o'clock, February 25, 1872.

C. C. POWER,
Presiding Judge, Bracken County Court.

Met pursuant to adjournment.

C. C. POWER,
Presiding Judge, Bracken County Court.

B.

COMMONWEALTH of KENTUCKY, *sct:*

We, the presiding judge of the county court, and Charles Day and Jas. Southerland, two justices of the peace, duly authorized to compare the vote for the county of Bracken, do certify that at an election held in said county on Tuesday, the 5th day of November, 1872, for the office of Representative in Congress from the tenth congressional district, State of Kentucky, at the several places provided by law for holding elections in said county, upon due comparison and addition, the vote stood thus: For John D. Young, 975 votes; for John M. Burns, 548 votes.

Given under our hands, this 8th day of November, 1872.

C. C. POWER,
Presiding Judge.
CHARLES DAY,
Justice Peace, Bracken County.
JAMES SOUTHERLAND,
Justice Peace, Bracken County.

STATE OF KENTUCKY,
Bracken County, sct:

I, George B. Pouge, clerk of the county court for the county and State aforesaid, do certify that the above is one of the original certificates of election as made out by the board of commissioners, and left on file in my office, February 22, 1873.

GEO. B. POAGE, *Clerk.*
By J. H. HUMLONG,
Deputy Clerk.

Adjourned to meet February 26, 1873, at 9 o'clock.

Met pursuant to adjournment.

C. C. POWER,
Presiding Judge Bracken County Court.

No. 11.—*Deposition of Elijah R. Barrett.*

ELIJAH R. BARRETT sworn, and states in answer to question by contestant:

Question. Mr. Barrett, please state if you know of any illegal vote or votes being given at the November election of 1872 for the contestee, J. D. Young. If so, state how many, and who they were, and where given.—Answer. Jerry Arnold, who resides in the Fairview precinct, voted at the Berlin precinct on the 5th day of November, 1872. He voted for Mr. Young.

Cross-examined by Jno. D. Young:

Q. For whom did you vote at the last November election for Congress?—A. I voted for John M. Burns.

Q. What position do you hold in the county of Bracken?—A. No official position.

Q. Have you, or have you not, taken a very active part to inform the contestant, John M. Burns, of the probable irregularities of the vote of

said county?—A. Such irregularities as I knew to exist I spoke of to Mr. Burns, and took the trouble to inquire into the manner in which the election was conducted. I think I took a more active part than many others.

Q. You state in your first answer that James Arnold resided in the Fairview precinct, voted at the Berlin precinct on the 5th day of November, 1872, and voted for John D. Young. How do you know he lived in the Fairview precinct, and that he voted for John D. Young?—A. I know the boundary of the Fairview precinct, and know that the dwelling-house in which he resided at the time is within the boundary-lines of that precinct. I know he voted for Mr. Young, because I saw him take the ballot or ticket, with Mr. Young's name printed on it. I saw him fold it and give it to George McClannahan, who was acting as judge at the election at Berlin. I saw Mr. McClannahan put the ballot in the box.

Q. How came you to see his ballot; did he show it to you?—A. I was acting as clerk of the election, and he (Arnold) took the ballot from the table at which I was seated at the time.

Q. Did you object to his voting because of his not residing in the district?—A. I did object at the time, and told the judges that Mr. Arnold lived in the Fairview precinct.

Q. Were the judges satisfied to let him vote?—A. They did allow him to vote.

ELIJAH R. BARRETT.

No. 12.—*Deposition of James H. Humlong.*

JAMES H. HUMLONG was then introduced as a witness, by consent of contestant and contestee, John M. Burns and John D. Young:

Question. Mr. Humlong, are you, and were you on the 5th November, 1872, the deputy county court-clerk of Bracken County? If yes, please state the condition of each poll-book and ballot-box of said county when delivered to this office; tell if all the boxes were locked and sealed; if all the books were sealed; and state if any and what box or boxes, book or books, were not sealed. Also state if you were present when the poll or vote of Bracken County was counted and compared.—Answer. I am now, and was on the 5th day of November, 1872, and have been since, deputy clerk of the Bracken County court. The poll-books of the respective precincts were inside the ballot-boxes, except the Milford and Augusta precincts, when returned. The boxes were all locked, and all sealed, except one, which, I think, was the one returned from Milford. My recollection is that the poll-books of the Milford and Augusta precincts were sealed when returned. I was in the office at the time the poll or vote of Bracken County was counted and compared.

J. H. HUMLONG.

STATE OF KENTUCKY,
Bracken County:

I, C. C. Power, presiding judge of the Bracken County court, Kentucky, do certify that the foregoing depositions of Geo. B. Poage, Elijah R. Barrett, and J. H. Humlong, was taken before me and was read to and subscribed by them in my presence, at the time and place and in the action mentioned in the caption, the said Poage, Barrett and Hum-

long having been first sworn by me that the evidence they should give in the action should be the truth, the whole truth, and nothing but the truth, and each of them reduced to writing his own statements, in my presence. The contestant and contestee were both present, and the contestee by his attorney also.

Given under my hand as presiding judge of the Bracken County court, this 26th day of February, 1873.

C. C. POWER,
Presiding Judge Bracken County Court.

No. 13.—*Notice to take depositions.*

Mr. JOHN D. YOUNG: You are hereby notified that I will, at the clerk's office in Brooksville, Bracken County, Kentucky, on the 24th day of February, 1873, take the depositions of Abraham Baker, E. R. Barrett, Bernard Pougue, and J. J. Bradford, before the county judge of said county; said witnesses are all residents of said county of Bracken; said depositions to be used as evidence in my behalf in a contested-election case for a seat in the Forty-third Congress of the United States, in which I am contestant and you are contestee; and should the taking of said depositions not be completed on that day, then the taking will be adjourned from day to day until completed; this 10th February, 1873.

Respectfully,

JOHN M. BURNS.

Executed Feb. 12, '73, by J. D. Young a copy of the within notice.
J. N. YATES, *D. S.*,
For M. H. JOHNS, *S. L. C.*

No. 14.- -*Notice to take depositions.*

Mr. JOHN D. YOUNG: You are notified that I will, on the 26th day of April, 1873, at the county clerk's office, in Martin County, Kentucky, before James Stepp, county judge of said county, take the depositions of W'm Star, David Jackson, Phillip Cassaday, John Riffe, and George Chapman, all residents of said county; and on the 24th day of April, 1873, before Samuel P. Savage, at his office in Catlettsburg, he being police judge of said town, take the depositions of James W. Mullin, Charles Culver, H. B. Broddass, Lafe Lovejoy, and Vinten Large, all residents of Boyd County, Kentucky; and on the 22d day of April, 1873, at the county court clerk's office in Rowan County, Kentucky, before James Carey, county judge of said county, take the depositions of Elias Bradley, H. R. Myers, J. W. Elington, Christopher Ham, and W. A. Fauch, all residents of said county; and on the 24th of April, 1873, at the county court clerk's office in Bath County, Kentucky, before A. J. Ewing, county judge of said county, take the deposition of James Boyd, county court clerk of said county, R. Gudgell, and John Turner, all residents of said county; and on the 22d day of April, 1873, at the county court clerk's office in Carter County, before Harvey Henderson, county judge of said county, take the depositions of Stephen Nethercut, S. J. McGleve, Wiley Prichard, Joseph Norris, W'm B. Powers, M.

Taber, David Mockber, W'm A. Everman, J. W. Bartram, and Elias Davis, all residents of said county; and on the 23d day of April, 1873, at the county court clerk's office in Mason County, Kentucky, before J. K. Sumerall, county judge of said county, take the depositions of Morris C. Huchins, E. D. Nute, George W. Selser, W. H. Holms, and R. M. Recketts, all residents of said county; and on the 21st day of April, 1873, at the county court clerk's office in Nicholas County, before James W. Kinny, county judge of said county, take the depositions of John A. Campbell and John Lee, all residents of said county; and on the 24th day of April, 1873, at the county court clerk's office, in Lewis County, Kentucky, before J. R. Garland, county judge of said county, take the depositions of George M. Thomas, R. R. Himes, John S. Marity, John Sparks, W'm S. Parker, John Moore, R. R. Williams, Jas. B. Gidding, J. J. Fitch, D. E. Hendrickson, and Samuel McEldowney, and Joseph A. Sparks, all residents of said county; and on the 24th day of April, 1873, at the county court clerk's office in Fleming County, Kentucky, before James E. Smith, county judge of said county, take the depositions M. Tegar, J. W. Anderson, and all residents of said county; said depositions to be used in my behalf before the Forty-third Congress of the United States of America, in a contest for a seat therein from the tenth district of Kentucky, in which I am contestant and you are contestee. And if, from any cause, the proof at any one of the places above named is not completed on the day named, then the taking at such place will be adjourned from day to day until completed. This 15th April, 1873.

Respectfully,

JOHN M. BURNS.

STATE OF KENTUCKY, *Lewis County, ss:*

The within notice executed on John D. Young on the 15th of April, 1873, by delivering him a true copy of the within. 15th April, 1873.

GEORGE W. VAIERS,
Marshal of the town of Vanceburg, Lewis County, Kentucky.

No. 15.—*Agreement between parties to waive personal presence of the judge.*

We, the undersigned, agree to waive the continuous personal presence of Judge J. K. Sumrall, before whom the depositions of M. C. Huchins, W. H. Homes, and R. M. Ricketts is this day to be taken, and agree that said depositions may be certified by said Sumrall as if he had been all the time personally present, hereby waiving any objection or exception that might be taken to the same.

Maysville, Ky., 23d of April, 1873.

JOHN M. BURNS, *Contestant.*
W. S. FRANK,
Attorney for John D. Young, Contestee.

No. 16.—*Depositions of M. C. Huchins, W. M. Homes, R. M. Ricketts, and E. D. Nute.*

The depositions of M. C. Huchins, W. M. Homes, and R. M. Ricketts, and E. D. Nute, taken on the 23d day of April, 1873, at the county-court clerk's office, in Maysville, Mason County, Kentucky, to be used

as evidence before the Forty-third Congress of the United States in behalf of the contestant, in a matter of contest for a seat in said Congress, in which John M. Burns is contestant, and John D. Young is contestee.

The witnesses, of lawful age and first duly sworn, depose as follows:

Questions by contestant:

Question. Mr. Huchins, you will please state your age, residence, and occupation, and state if you held any official political position in November, 1872. If yes, state what position you held.—Answer. My age is thirty-one years; residence, Maysville, Mason County, Kentucky; occupation, lawyer. I did hold an official political position in November, 1872. I was then, and am now, a member of the republican state central committee and chairman of the congressional district committee, republican.

Q. State if you, as such officer, made an effort to procure the election returns from the various voting-places in this county for congressman in November, 1872. If yes, state how you procured the information, from whom, and how did you keep the same?

(Objected to, on account of being new matter, by contestee.)

A. I made an effort to procure the election returns in Mason County for Congressman in November last. I remained in and about the county clerk's office most of the next day after election. I was present in the said clerk's office when most of the sheriffs of the said election brought in the ballot-boxes. From them I obtained the result of the count in various precincts of night before by officers of election. Some of them had the result of said count on slips of paper. One or two gave it to me from memory, and I think I obtained the result of one precinct from W. W. Ball, deputy clerk of the Mason County court, who had obtained it from a sheriff of election for one of the precincts. Mr. Ball and myself had each a table of the result according to the information obtained as aforesaid. John D. Young, the democratic candidate, had a majority over John M. Burns in ten precincts of Mason County, 297 votes, with the remaining precinct, Sardis, to hear from. The latter precinct gave John M. Burns, the republican candidate, five majority, which made the majority of John D. Young, the democratic candidate, 292 in Mason County, according to the count of Mr. Ball and myself.

Q. Please state if the statements you and Mr. Ball, the deputy clerk, kept, as you desired the same, from the officers of the election, agreed in numbers and majorities.—A. They did agree in numbers and majorities.

Q. Please state if you was present when the county board of Mason County compared the vote, counted the ballots, and certified the same? A. I was not present when the county board of Mason County corrected the vote, counted the ballots, or certified the same.

Q. State the difference, if any, between the vote as kept by you and Mr. Ball and the vote certified by the county board, and in whose favor the difference.—A. According to the vote kept by Mr. Ball and myself, John D. Young's majority over the contestant was 292. The vote, certified by the county board, gives John D. Young 325 majority in county of Mason. The board's count resulted in increasing the contestee's majority 33; and a comparison of the vote obtained by me, as aforesaid, as to the result in the eleven precincts of Mason with the result arrived at by said board, developed the fact that the different result is made in from one to four votes in favor of the contestee in

nearly every precinct in the county. The change does not show itself in one or two precincts, but in eight or ten.

Q. Was each or all of the deficiencies in favor of the contestee, and against the contestant, or is some in favor of the contestant and against contestee?—A. They were in favor of the contestee, and, as I understand it, not one single difference was in favor of contestant.

Q. State, if you know, how the county board acted while they were engaged in counting the ballots and comparing the polls of Mason County; state if the windows were open or shut, and the door, also; state the kind of shutters the windows had; state if the gas was lit in the day-time in said office while the board was engaged; state if you was denied admittance to the office while they were engaged; state all you know in reference to the same.—A. I was in the front room of the Mason County court clerk's office the day that the county board met to inspect the polls and recount the ballots. Before the board met I requested the county-court clerk, a member thereof, to allow me to be present at the said count and inspection. He declined to allow me to be present. I was in said front room of the said clerk's office while said board was in the back room of said county-court clerk's office inspecting the polls and counting the ballots. The doors and shutters were closed; the doors and shutters are iron and close. There is a transom over the back door of said room. I am not certain, but my impression is the gas was lit.

Q. State if any member of the board, a short time before the county board met to compare the polls, count the ballots, and give certificate thereof, came to you, as chairman of the republican district committee, and ask you how many votes contestant was ahead in the district? If so, did you tell him, and who was the man?—A. A day or two, perhaps three or four days, after the election—yes, I remember it was the Thursday evening after the election, Mr. Perry Jefferson, the sheriff of Mason County, came to me, and said that the contestee's son was in town and very anxious to know the result of the election, and requested me, as a personal favor to himself, to give him what information I had on the subject. I gave him the result of the election as I had it. According to the figures I gave Mr. Jefferson at that time, the contestant was elected 50 or 60 votes. I do not remember the exact figures, but am certain that by them contestant was elected by considerably less than 100 votes. Of this I am certain. Mr. Jefferson was a member of that county board.

Q. How many counties does this district embrace? Did you give him the majorities of contestant and contestee by counties, and then show him the result, or did you just tell him the number of votes the contestant was ahead as far as heard from?—A. There are fourteen counties in this congressional district. I am not certain that I gave him—I mean the sheriff aforesaid—the majorities of contestant and contestee by counties, but I think I did. I know we were figuring some little time, and know that the majority was less than 100 for contestant.

Q. State if in your capacity as chairman of the district republican committee, you made diligent efforts to get the vote of Bracken County for Congressman, and what time elapsed before you procured the same. How far is Brooksville, the county seat of Bracken County, from Maysville, Mason County? Is Bracken an adjoining county? State the means of intercommunication between the two places.—A. I used my utmost endeavors to obtain the correct vote of Bracken County, as chairman of the district republican committee, particularly the vote of said county for Congressman. It was more than a week before I ob-

tained what I considered reliable information. The distance from this place to Maysville, Kentucky, to the county seat of Bracken County, is about eighteen miles. Means of communication, United States mail.

Q. State if it was conceded by leading democrats, and by the Maysville Eagle, their organ, and telegraphed to various points by you in the county, that contestant was elected by a small majority before you heard or could hear from Bracken County, and before the Mason County board compared the vote of said county?—A. It was conceded by some leading democrats, in my presence, and the Maysville Eagle, a democratic organ newspaper in this city, conceded that the contestant was elected at least in one issue thereof. I telegraphed to various points that contestant was elected; this was before I heard from the Bracken County vote, and before the Mason County board compared the vote in Mason County.

Q. Now examine the order of the Mason County court appointing officers for each voting place in said county; then examine the names of the persons certifying the vote in each voting place, and state if the persons appointed acted in precincts Nos. 1, 2, 3, 4, 5, and 7 and 8; if not, who acted? Name them and number them.—A. A copy of said order, certified over the signature and seal of the clerk of Mason County court, is before me. Said order appoints for district No. 1, George W. Waltz and Robert Ficklin, judges, and Josiah Wilson, clerk, and Nelson Whitaker, sheriff; the names of the persons certifying the vote in said district No. 1 of Mason County, are George W. Waltz and Robert Ficklin, judges, Nelson Whitaker, sheriff, and J. M. Ricketts, clerk, the latter acting as clerk instead of Josiah Wilson, the appointee. District No. 2.—By said order the appointees are J. H. Rains and Thomas Daulton, judges, Edward Nute, clerk, and W. H. Holmus, sheriff; those who certify the vote for said district are Thomas Daulton and J. H. Raines, judges, W. H. Holmes, sheriff, and E. D. Nute, clerk District No. 3.—By said order the appointees are Arthur F. Dobyns and Laughorne Tabb, judges, Samuel Peck, clerk, and Tho's P. Anderson, sheriff; those who certify the vote of said district No. 3 are L. Tabb, A. F. Dobyns, Thomas P. Anderson, sheriff, and Samuel Peck, clerk. District No. 4.—By said order the appointees are William Phipps and A. V. Soward, judges, Samuel Forman, clerk, and A. A. North, sheriff; those who certify the vote of said district are A. V. Soward, Wm. Phipps, judges, A. A. North, sheriff, and Samuel Forman, clerk. District No. 5.—The said order appoints W. W. Browing and Samuel Maston, judges, F. A. Browing, clerk, and M. M. Pumpella, sheriff; those who certify the vote are F. A. Browing, (appointed clerk and served as judge,) S. E. Maston, judges, M. M. Pumpella, sheriff, W. W. Browing, clerk, latter appointed judge and served as clerk. District No. 7.—Said order appoints Hiram Dye and Thomas Ward, judges, R. S. Weaver, clerk, and Wm. P. Clark, sheriff; those who certified the vote of said district, Thomas Ward and Hiram Dye, judges, Wm. P. Clark, sheriff, and R. S. Weaver, clerk. District No. 8.—Said order appoints Wm. T. Lindsey and Hiram Rummins, judges, Enoch Berry, clerk, and Jno. R. Lasbrook, sheriff; those who certify the vote are William T. Lindsey and Silas Ross, judges, and John R. Lasbrook, sheriff, and Enoch Berry, clerk; the different officer certifying not appointed is Silas Ross; the certificates, or rather a certified copy of the certificates of the officers certifying the vote in said precincts, said certificate is signed by the clerk of the Mason County court, over his seal, is before me.

APRIL 23, 1873, 5 o'clock p. m.—The taking of these depositions is adjourned till to-morrow morning at 8½ o'clock a. m., same place.

J. K. SUMRALL,
Presiding Judge Mason County Court.

APRIL 24, 1873, 8½ o'clock a. m.—The taking of these depositions resumed.

J. K. SUMRALL,
Presiding Judge Mason County Court.

Q. Now state if there is any evidence upon the poll-books at voting places No's. 1, 2, 3, 4, 5, 7 and 8, showing the appointment or substitution of those who acted that was not appointed by the Mason County court; and is there any evidence on said books that any of those who either acted or was appointed at those voting places were sworn before they acted as such?—A. There is nothing on the poll-books at voting places Nos. 1, 2, 3, 4, 5, 7, 8 showing the appointment or substitution of those who acted, that were not appointed, and there is not the slightest evidence on said poll-books showing that any of those who acted or were appointed at those voting places were sworn.

Q. State the majorities of contestee at the voting places named in your last answer.—A. District No. 1, by poll-books, or rather by certificate, contestee's majority is 46 votes; district No. 2, by certificate of officers of election, contestee's majority 59 votes: district No. 3, by certificate of officers of election, contestee's majority is 97 votes; district No. 4, certificate shows contestee's majority 64 votes; district No. 5, by said certificate contestee's majority is 46 votes; district No. 7, by said certificate contestee's majority is 14 votes; district No. 8, by said certificate contestee's majority is 91 votes.

Q. Please state the number of contestant's ballots that were rejected or thrown out by the precinct officers, if you know.—A. I do not know the number of contestant's ballots that were rejected or thrown out by the precinct officers.

Q. Please state the difference in the number of names on the poll-books of this county voting for Congressman and that certified by the officers of the precincts?—A. According to my count, and I have counted them all, there are thirty-four more names on the poll-books than certified by officers of the election.

(All of the questions and answers objected to by contestee, on account of the introduction of new matter, as contestant's time has expired for examination in chief, not waiving the right on account of the foregoing objection. The contestee would ask the foregoing questions.)

By contestee:

Q. Do you know that the vote, as it was given to you by the election officers from the various precincts, was official and correct, and don't you know that the election returns made up in this way are never correct, and rarely ever correspond with the summing up the vote by the county board, whose official duty it is to attend to this matter?—A. All I know concerning the vote given me by the election officers is that they gave it as the result of their count made at the close of the polls on election day. I was very careful and anxious to obtain reliable information; they had the result of their count, most of them, on slips of paper and taken down at the time of the count. I know that election returns made up in that way are generally correct, though mistakes do sometimes occur. My notion is that they very generally correspond with the subsequent inspection; there are sometimes trivial discre-

pancies and the exception is for the difference to amount to anything important. It is the duty of the county board to attend to inspecting the result; that board consists of county judge, county court clerk, and county sheriff.

Q. The vote, as received from them by you, was it official and sworn to, or was it merely their statement as men?—A. It was merely their statements not sworn to; they had no object, however, in making misstatements.

Q. Are you personally acquainted with the members of the county board, who examined the vote in the last congressional election, and are they not men of the strictest integrity and veracity?—A. I am personally acqainted with the gentlemen who composed that board, and they have the reputation and are considered by me as men of integrity and veracity. I know of nothing to the contrary.

Q. Do you wish to be understood that the vote, as summed up by you and W. W. Ball, was correct, and that of the said county board for examining said vote and poll-books was incorrect?—A. I considered the vote as received by Mr. Ball and myself as correct. I consider that of said county board as subject to grave conclusions.

Q. Please state what you mean by grave conclusions.—A. I mean that I know of no tampering with that vote by said county board, but the circumstances in the case indicate to my mind that somehow there were grave discrepancies; what made them I cannot tell; who made them I do not know.

Q. Did you or not sum up the entire vote in this district in the manner in which you and Mr. Ball summed up the vote of Mason County, and did not your figures show from said summing up a large majority in said district for contestant, and do you not know that your said calculation was incorrect?—A. I did sum up the vote of this district. I do not know that I did it in the way in which Mr. Ball and myself did the Mason County vote. I made several estimates of what the result would be, and made the remark that if the change all over the district was at the ratio in my county and in the same direction, that contestant was elected by a fine majority. My actual count as given to Mr. Jefferson, the sheriff of this county, for contestee's son, the Thursday after the election, if I now remember it correctly, and I think do, showed that the contestant was elected by 53 votes majority in the district. I think in that statement I estimated on the county of Bracken, taking the gubernatorial election in the State on Harlan and Leslie.

Q. State whether or not the county board of Mason County had a better opportunity of ascertaining the correct vote of said county than yourself, W. W. Ball, or any one else?—A. That board had the poll-books and ballot-boxes before them when they inspected the polls, I suppose, and they had a good opportunity to know what the exact vote was. The county court clerk is the custodian of the said votes, poll books, and ballot-boxes. They are all members of the same party, intimate friends, and smart, intelligent men. Their opportunity for obtaining the vote is just as I have stated and was better than mine, for the reason that they had the material before them to find out the result with.

Q. Please examine paper before you. Say what it is, by whom signed, and are you acquainted with their handwriting, and can you say that it was signed by them? State who received votes for Congress, and how many votes each received.—A. The paper before me is the certificate of the county board certifying the vote for Congress, at election held in Mason County, Tuesday, November 5, 1872. I am acquainted

with the handwriting of the members of said board. I believe it is signed by them; that certificate shows that John D. Young, John M. Burns, Thomas M. Green, and J. W. Bulloch, received votes for Congress. John D. Young received, according to that certificate, 1,663 votes; John M. Burns received, according to that certificate, 1,338 votes; Thomas M. Green 3 votes, J. W. Bulloch 1 vote.

Q. You stated, in response to a question by contestant, that the shutters and the doors in the back room of the clerk's office were closed while the vote was being counted; are they not always closed, and did you at any time see them opened; and at that time was there anything unusual about said room; was it not as it always is, closed both as to shutters and doors?—A. I have seen the board of equalization of county taxes in session in that room, the window-shutters open, and have seen the doors frequently open; there was nothing unusual about the room at that time, save that the board went in there and closed the iron doors behind them, the shutters being closed, and then made their inspection, instead of closing the front room of said office, where the shutters are open in business hours, and the door; I understand it is the custom to examine poll-books in that room.

Q. Please state what reason, if any, Mr. Sulser, the county clerk, gave for refusing to let you into said room, and do you not know that there were friends of the contestant in said room while said vote was being counted?—A. I asked Mr. Sulser the privilege of being present at said count; he said he thought I could not be, but would see about it; subsequently he said that it was not legal for any one but the board to be present. I do not know that any of contestant's friends were in said room at that time.

Q. Have you stated all of the reasons he gave for excluding you?—A. Yes; I believe so.

Q. Do you, or not, know that Thomas A. Davis was in said room at that time?—A. I do not.

Q. Do you know of anybody being in there who were not members of said board?—A. I do not.

Q. Please examine the poll-books of the various precincts of Mason County, Kentucky, and say whether or not there is a regular certificate connected with each of them.—A. I have examined the said poll-books, and find certificates of each precinct accompanying each poll-book. I conceive that they present some irregularities.

Q. Will you state wherein the irregularity is, and how they differ from any other regular lawful certificate?—A. The irregularities presented by them are that I find names on those certificates not authorized by county court order appointing officers to conduct said election; and further, there does not appear in said certificates any evidence that said officers, or any of them, were sworn before conducting said election.

Q. Examine certificate connected with poll-books of precinct Nos. 6, 10, and 11, and say whether the same irregularity exists, and also state the votes that contestant and contestee received in each precinct.—A. Precinct No. 6 the certificate connected with poll-books shows that contestant received 87 votes, and contestee 82 votes. The irregularities referred to are seen in said certificate. In precinct No. 10 certificate connected with poll-books shows that contestant received 160 votes, and contestee 119 votes. The certificate fails to show that the officers were not sworn. In precinct No. 11 certificate connected with poll-books shows that the contestant received 113 votes and contestee received 51 votes, nothing showing that officers were sworn.

Q. Please say what is and has been for eight or ten years back the democratic majority of Mason County.

(This question objected to for want of relevancy, by contestant.)

A. If I remember correctly, the usual democratic majorities in Mason County have been from 600 to 1,000 majority. The democratic majorities have been gradually decreasing in Mason County for three or four years back.

Re-examined by contestant:

Q. Please state if, when you add the 34 names of voters on the poll-books voting for Congressman, which are not certified by the officers of the voting-places in Mason County, to the vote of contestant, does it agree with the votes as kept by you and Mr. Ball, as received from said Officers, and make contestee's majority 292 in the place of 325, as the county board certified it?—A. By adding the 34 names of voters on the poll-books voting for Congressman which are not certified by said officers to the vote of contestant, it agrees with the number of votes as kept by Mr. Ball and myself, plus one, as received from said officers of election, and makes contestee's majority 291, instead of 292, as we had it, in the place of 325, as the county board certified.

Re-re-examined:

Q. Please examine the law in Stanton's Revised Statutes of Kentucky, on page 432, vol. 1, sections 3 and 4, and copy and make same a part of this your deposition; and further state whether you know of a single officer of said election who was not duly and regularly sworn; and do you know of any law requiring the certificate of elections being sworn to?—A. I make sections 3 and 4, Revised Statutes, vol. 1, page 432, part of my deposition. The following is a copy of said sections:

SEC. III. Should the court fail to appoint such judges or clerk, or either fail to attend for thirty minutes after the time for commencing the election, or refuse to act, the sheriff or his deputy shall appoint a suitable person or persons to act in his or their stead for that election.

SEC. IV. Each judge and clerk of an election shall, before entering upon the duties of his office, take the oath prescribed by the constitution before some justice of the peace: or it may be administered by the sheriff.

I do not know whether there was a single officer of said election who was not sworn, nor do I know of any law requiring the certificate of electors being sworn to, nor do I know that a single officer of that election was sworn.

And further deponent saith not.

M. C. HUTCHINS.

Also, the deposition of E. D. NUTE. He, after being duly sworn, states as follows:

Question. Mr. E. D. Nute, please state if you have counted the ballots for contestant and contestee found in the clerk's office and possession of the county court of Mason County. If so, state how many ballots of contestant you found that was rejected by the county board, and how many more votes was certified for contestee than the ballots showed him entitled to.—Answer. I have counted the ballots for contestant and contestee found in the clerk's office and possession of the Mason County clerk. I found in the ballot-boxes of Mason County 8 votes cast for contestant and rejected and not counted by the county board. There were 1,663 votes certified by the county board for contestee, while my count makes the number to which he is entitled 1,662.

Cross-examination:

Q. State, if you know, for what reasons said 8 votes were rejected, and whether or not you had any assistance in the counting of said vote.—A. I am not a member of the county board; was not present when they made their count, and do not know what reasons they had for throwing out these 8 votes. I had no assistance in making my count of the ballots.

Q. How long a time was it after the meeting of the county board before you counted the ballots; and may or not one of the ballots during that time have been misplaced?—A. I do not know when the meeting of the county board was held. I think it was early in March, 1873, that I made my count. The ballots, when I found them, were in packages; and if so arranged, as they probably were, by the county board, at the time they made their count, I don't see how any of them could have become misplaced, though I do not pretend to say it might not and did not occur.

Q. Are you absolutely certain that you counted correctly said ballots?—A. No; but I think I did.

And further saith not.

E. D. NUTE.

Also, WM. H. HOLMES sworn, and states:

Question. Mr. Holmes, if you know of any of the ballots of contestant having been thrown out at voting-place No. 2, of Mason County, state the number and what was done with said ballots.—Answer. I do not recollect the number thrown out, but there was several—say from 3 to 5—and all we threw out was torn up there. All this number was contestant's ballots.

Cross-examination:

Q. State what number of votes, if any, were thrown out, of contestee's; and further state, why said votes were cast out, and by whom.—A. I was sheriff of the election at precinct No. 2, and I think one vote was thrown out for contestee, and at the time for reasons satisfactory, at the time all the votes that was thrown out for either party.

W. H. HOLMES.

Also, Mr. R. M. RICKETTS sworn, and states:

Question. Mr. Ricketts, state your age, residence and occupation.—Answer. My age is sixty-nine years; my residence is Maysville, Mason County, Kentucky; my occupation is that of a book-keeper.

Q. Please state if you acted as clerk at voting-place No. 1, in Mason County, Kentucky, at the November election, 1872. If so, state if any ballots of contestant was thrown out and not counted by the officers of said voting-place. State the number so thrown out, and what was done with the said ballots.—A. I was the clerk of said election, in that precinct. There was some 10 or 20 votes thrown out. I don't know who said votes were for. This is my impression. I threw out some 5 myself. They were folded up in such a way that they could not have been separated except by the hands.

Q. Please state from your present recollection how many of said ballots was for contestant. Was there half of them or more for contesant?—A. I couldn't be positive in regard to that matter. Those that I threw out were on account of there being two together. Those thrown out were about equally divided. The ballots thrown out were torn up and thrown away.

R. M. RICKETTS.

The foregoing depositions of M. C. Hutchins, E. D. Nute, W. H. Holmes, and R. M. Ricketts are objected to by contestee for the want of proper notice by contestant, in so much that said contestant took proof here on the 14th day of March, 1873, his last taken, contestee having forty days from the time contestant closed, after the lapse of five days, which would make contestee's time begin on the nineteenth day. Forty days from the nineteenth would make contestee's forty days expire on the 27th instant; and further, if the contestee's time began the day after contestant's time closed, *i. e.* on the 14th day of March last, then contestee's time would not expire until the 23d instant, and contestant's time would commence on the 24th instant instead of the 23d instant.

W. S. FRANK,
Att'y for Jno. D. Young, Contestee.

STATE OF KENTUCKY,
Mason County, ss:

I, J. K. Sumrall, county judge of and for Mason County, do certify that the foregoing depositions of M. C. Hutchins, E. D. Nute, Wm. H. Holmes, and R. M. Ricketts was taken before me, and was read to and subscribed by them, at the time and place and in the contest mentioned in the caption, the said Hutchins, Nute, Holmes and Ricketts having been first duly sworn by me that the evidence they should give in the matter of contest should be the truth, the whole truth, and nothing but the truth, and their statements reduced to writing by them, except the statements of Ricketts, which was by consent written partly by contestant and partly by W'm S. Frank, attorney for contestee. The contestant was present in person, and John D. Young, contestee, by his attorney, W'm S. Frank, was present at the examination.

Given under my hand this 24th day of April, 1873.

J. K. SUMRALL,
Presiding Judge of the Mason County Court.

No. 17.—*Notice to take depositions.*

Mr. John D. Young, or Mr. W'm S. Frank, attorney for John D. Young, and being authorized by the said John D. Young to cross-examine witnesses in a matter of contest for a seat in the Forty-third Congress of the United States, in which I am contestant and the said John D. Young is contestee—

You are notified that on the 28th day of April, 1873, at the county-court clerk's office, in Warfield, Martin County, Kentucky, before James Stepp, county judge of said county, to take the depositions of Philip Cassaday, H. M. Norris, John Jones, Daniel Bradey, Moses Stepp, and John Patten and James D. Kirk, all residents of Martin County, Kentucky, to be used as evidence in my behalf, in a matter of contest before the Forty-third Congress of the United States for a seat therein, in which I am contestant and John D. Young is contestee, and will continue from day to day until completed. This 23d April, 1873.

Respectfully,

JOHN M. BURNS.

Executed on W'm S. Frank, attorney for John D. Young to take depositions in the contested election case of John M. Burns *vs.* said Young,

by delivering to him a true copy of the within notice this 23d April, 1873.

JOSEPH P. GRAHAM,
Deputy Marshal, City of Maysville.

No. 18.—*Depositions.*

The depositions of Daniel Bradley, H. W. Norris James Crum, Phillip Cassady, James D. Kirk, David Jackson, C. M. Park, and William James, taken on the 28th day of April, 1873, at the county court clerk's office, in Warfield, Martin County, Kentucky, to be read as evidence in behalf of the contestant, John M. Burns, in a matter of contest before the Forty-third Congress of the United States for a seat therein, in which John M. Burns is contestant and John D. Young is contestee.

The deponent, BRADLEY, being of lawful age, and duly sworn, deposes as follows:

Questioned by contestant:

Question. Mr. Bradley, state your age, residence and occupation.—Answer. My age is forty-five years; my residence is Martin County, Kentucky; by occupation a farmer.

Q. Were you an officer at precinct No. 5, at the November election, 1872, in Martin County, and were votes or ballots there given for member of Congress for the tenth district of Kentucky; if yes, were said officers sworn before they acted as such at said election?—A. I was sheriff at said election at the time specified in the question, and votes were cast by ballot for congressmen for the tenth district of Kentucky, and the officers were all sworn at said election before they acted.

Q. Please state if the ballots deposited or voted at said election were deposited or voted by qualified voters of said precinct.—A. I am acquainted with the voters of that district, and the voting was cast by qualified voters of that district.

Q. Please state, if you know, of any voters for contestant being awed or scared from the polls, and prevented from voting for contestant; if so, state how many and all you know about it.—A. I don't know only from hearsay; I heard others say that they had to lie out on the night of the election; that they were afraid of the Ku-Klux interference.

Q. Those you heard speak of being forced to lie out at night, were they legal voters at said precinct, and were they thereby prevented from voting for contestant?—A. They were legal voters of that district, and were afraid to come from what they heard.

DANIEL BRADLEY.

H. W. NORRIS, being duly sworn by me, in answer to questions put by contestant, states as follows:

Question. Mr. Norris, state your age, residence, and occupation.—Answer. My age is forty-nine; reside at Warfield, Martin County; by occupation teacher.

Q. Please state if you were present all day at the voting-place in Warfield, Martin County, Kentucky, at the November election, 1872, it being precinct No. 1 of said county; if so, were the officers of said precinct election sworn before they acted as such?—A. I was present all day at the election-place, and the officers of the election were sworn according to law before they acted.

Q. Please state if the ballots voted by the people of said precinct were legal and qualified voters of said county and precinct at the time.—A. The votes at precinct No. 1 were all legal voters except one, and qualified; one was not a qualified voter.

Q. Please state his name, and who he voted for for congressman—for contestant or contestee.—A. His name was ——— ———; he voted for John D. Young, contestee. I saw his ballot, and saw him deposit his ballot.

Q. Please state how you know he was not a legal voter; where did he live or where had he lived before the voting you speak of?—A. He lived in West Virginia previous to the election, and had not resided in this State prior to the election long enough to vote.

H. W. NORRIS.

Also, WILLIAM JAMES sworn, and states in answer to questions asked by contestant:

Question. Mr. James, you will please state your age, residence, and occupation.—Answer. I am twenty-three years old; I reside in Martin County, Kentucky, and by occupation a farmer.

Q. Please state if you were present at precinct or voting-place No. 2 of Martin County, at the November election, 1872; if so, were the officers of the election at said precinct at said election sworn before they acted as such?—A. I was present at the voting-place No. 2, in Martin County, Kentucky, at the November election in 1872, and the officers who conducted the election at that precinct were sworn before they acted as such.

Q. Please state if those voting at said precinct were legal voters of said precinct at the time.—A. So far as I knew the men that voted at that election, they were legal voters in said county and precinct, and I knew very near all the men that did vote at said election.

Q. Those you speak of voting at said precinct, did they vote by ballot for congressman?—A. The persons that did vote at the said election for a congressman voted by ballot, which was deposited in a ballot-box.

And further this deponent saith not.

his
WILLIAM + JAMES.
mark.

DAVID JACKSON, being duly sworn, in answer to questions, states as follows:

Question. Mr. Jackson, please state your age, residence, and occupation.—Answer. I am forty-six years old; I reside in Martin County, Kentucky; I am, by occupation, a farmer.

Q. Please state if you know of any person or persons who were awed and intimidated, and prevented from voting for contestant at precinct No. 5 of Martin County, Kentucky, at the November election, 1872; if so, how many were so intimidated, and what was the cause of alarm?—A. I was at the election in precinct No. 5 of Martin County, Kentucky, at the November election, 1872, and on the evening before the election there was a report circulated in the neighborhood that the Ku-Klux was coming through that neighborhood and were going to kill all the radicals of that neighborhood, and in consequence of the said report there were from nine to twelve voters that were kept away from the election that would have voted for John M. Burns. I believe the number of Ku-Klux reported to be coming was a hundred and sixty, and that they were coming from West Virginia, and was swearing that

they would kill all the damned radicals that was in the country. So far as I can learn, this report was started by the friends of John D. Young.

Q. Were you an officer of said election at that precinct; if so, were the officers of said election sworn before they acted at the November election, 1872?—A. I was an officer, one of the judges of the said election, and the officers of the said election was sworn before they acted as such.

Q. Were all the ballots voted at said election given or voted by qualified voters of that precinct?—A. They was.

DAVID JACKSON.

PHILLIP CASSADAY, of lawful age, and duly sworn, states as follows:

Question. Mr. Cassaday, please state your age, residence, and occupation.—Answer; my age is forty-six years; my residence Martin County, Kentucky; my occupation high sheriff of Martin County.

Q. Were you sheriff of said county at the November election, 1872, and previous thereto?—A. I was.

Q. As such sheriff did you provide good and safe ballot-boxes for each precinct or voting-place in your county? If so, state how they were constructed, and all you know about them.—A. I did provide, as I thought, safe boxes for each voting-place. They were constructed as follows: They were made out of poplar plank three-fourths of an inch thick. The lid was let in in each side with tongue and groove on each side one-fourth of an inch deep, extending the full length of the box, and the end of the lid was fastened to the box with an iron screw one-inch and half long, with a small aperture in the top of the lid to receive the ballot. The boxes thus constructed and sealed as they were, with paper pasted over the end of the lid covering the screw and aperture, made them as secure or more secure than they would been if they had locks.

Q. Now state why you did not get locks and keys to said boxes.—A. I made diligent inquiry at every store in Martin County, and could not get locks in the limits of my county, neither could I get keys or hinges.

Q. State if you were at precinct No. 3, (three,) in Martin County, on the day of the November election, 1872? If so, state if the officers who held said election were sworn before they acted as such.—A. I was at precinct No. 3; the officers of the election were all sworn before they acted as such.

Q. Please state if you were sheriff at said election; and state, also, if the ballots voted there on that occasion were deposited by the legal voters of said precinct.—A. I was sheriff of said election; the ballots voted at said precinct were all voted by legal voters of said precinct.

PHILLIP CASSADAY.

C. M. PACK duly sworn:

Question. Were you an officer of the election at precinct No. 2, in Martin County, at the November election, 1872? If so, state if all the ballots voted at said precinct at said election were so voted by legal voters of said precinct.—Answer. I was clerk of the election at said precinct at the election held therein in November, 1872. I am acquainted with all the voters in that precinct, and each and every ballot placed in the box at that precinct in November, 1872, was voted by legal and qualified persons or voters of said precinct.

Q. State your age, residence, and occupation?—A. I am fifty-nine

years of age. I reside in Martin County, Kentucky. I am a farmer by occupation.

Q. Were the officers of said election at that precinct sworn as such before they acted.—A. The officers were all sworn at that precinct before they acted as such.

C. M. PACK.

JAMES CRUM, of lawful age, and first duly sworn, states in answer to questions as follows:

Question. Mr. Crum, state your age, residence, and occupation.—Answer. My age is thirty-seven years; I reside in Martin County, Kentucky; my occupation is farmer.

Q. Please state if you were an officer of the election held in precinct No. 4, of Martin County, Kentucky, in November, 1872; and, if so, state if each and every ballot deposited there or voted at said election was voted by legal voters of said precinct?—A. I was an officer of said election in said precinct at November election, 1872. I am acquainted with the voters in said precinct; each person who deposited a ballot or voted at said election was a legal voter of said precinct at the time of voting.

Q. Were the officers of the election at said precinct all sworn before they acted as such in November, 1872?—A. The officers of the election at said precinct were all sworn before they acted as such at the November election, 1872.

JAMES CRUM.

JAMES D. KIRK, of lawful age, and duly sworn:

Question. Mr. Kirk, state your age and residence and official position.—Answer. My age is twenty-eight years; reside in Martin County, Kentucky, and I am clerk of the county and circuit court.

Q. Did you hold any office in precinct No. 1 of Martin County, Kentucky, at the November election, 1872? If so, state what it was, and if the officers of the election at said precinct were sworn before they acted as such.—A. I was not an officer of the election in precinct No. 1 on the day of election, and was not present when the officers were sworn in.

Q. Please state if all the persons who voted in precinct No. 1 were legal voters of the said precinct at the November election, 1872. If so, did they vote by ballot?—A. I know the voters of precinct No. 1, and believe that all the votes cast at the November election in said precinct were cast by legal voters, and they voted by ballot for Representative in Congress.

Q. I wish you now to state how many voting-places there are in this county?—A. There are five voting places or precincts in this county.

Q. I wish you now to seal one of the five ballot-boxes which was delivered to you inclosing the ballots, &c., just as those were sealed, and mark it A B C D., and make it an exhibit or part of your deposition. Place the letters on the front end of said box.—A. I have sealed one of the boxes as nearly as I could as they were when delivered to me by the officers of election, and have marked said box thus, A B C D, and make it a part of my deposition.

J. D. KIRK.

STATE OF KENTUCKY,
Martin County, ss:

I, James Stip, county judge of Martin county, do certify that the foregoing depositions of James D. Kirk, James Crum, C. M. Pack, Phil-

lip Cassaday, H. W. Norris, David Jackson, Daniel Bradley and William James, were taken before me, and were read to and subscribed by them in my presence, at the time and at the place mentioned in the caption, and in the contest mentioned in the caption, the said Kirk, James Crum, Park, Cassaday, Norris, Jackson, Bradley, and James, having been first sworn by me that the evidence they should give in the matter of contest should be the truth, the whole truth, and nothing but the truth, and their statements reduced to writing by them in my presence, except a small portion to wit, C.M. Pack's deposition, which was written by J. M. Burns in my presence, at the request of said Pack. The contestant was present at the examination, contestee not being present at said examination.

Given under my hand this 28th day of April, 1873.

JAMES STIP,
Judge of the Martin County Court.

No. 19—*Notice to take depositions.*

Mr. JOHN D. YOUNG: You are hereby notified that I will, on the 3d day of February, 1873, at the clerk's office in Johnson County, Kentucky, take the depositions of C. J. Hows, Sheriff Davis, and N. A. Brown, all residents of said county, before the county judge thereof; and on the 10th day of February, 1873, at the clerk's office in Louisa, Lawrence County, Kentucky, before the judge thereof, take the depositions of T. D. Marcum, R. T. Burns, George F. Johnson, all residents of said county; and on the 17th day of February, 1873, before the county judge of Carter County, Kentucky, at the clerk's office in Grayson, take the depositions of E. P. Davis, R. D. Davis, Stephen Netheren, and B. F. Shepherd, all residents of Carter County; and at Brookville, in Bracken County, Kentucky, before the county judge of said county, on the 24th day of February, 1873, take the depositions of Abraham Baker, E. R. Barrett, Bernard Paugue, and J. J. Bradford, all residents of said county of Bracken; and will continue the taking at each place above named until completed. Said depositions to be read on the trial of the contest before the Forty-third Congress of the United States of America, for a seat therein as a member-elect from the tenth district of Kentucky, in which I am contestant and you are contestee, at which times and places you are invited to attend.

This 18th January, 1873.

JOHN M. BURNS.

STATE OF KENTUCKY,
Boyd County, set:

Frank Mott says he delivered a true copy of the within notice to the son of John D. Young, (a young man,) at the residence of the said John D. Young, in Bath County, Kentucky, on Wednesday, 22d of January, 1873, the said John D. Young not being at home, or found by me, his said son stated that said John D. Young at the time was in Carlisle, Nicolas County, Kentucky.

FRANK MOTT.

Sworn to before me by Frank Mott this 27th day of January, 1873.

M. F. HAMPTON,
Examiner for Boyd County.

No. 20.—*Deposition of James D. Kirk.*

The deposition of James D. Kirk, taken by consent and agreement of the contestant and contestee, taken on the 19th day of March, 1873, at the clerk's office in Warfield, Martin County, Ky., to be used in a certain matter of contest for a seat in the Forty-third Congress of the United States, in which John M. Burns is contestant and John D. Young is contestee.

The deponent, of lawful age, and first duly sworn, states as follows:

Question. Mr. Kirk, are you now, and were you on the 5th of November, 1872, and up to and including the 8th of said month, the county court clerk of this (Martin) county; and did you, as such, receive the poll-books and ballot-boxes for the election of November, 1872?—Answer. Yes, sir; I was clerk of the county on the 5th of November, 1872, and I am still clerk of said court at the present time, and received the ballot-boxes and the poll-books of the November election, 1872.

Q. Please state if said ballot-boxes and poll-books came to your possession and custody sealed or unsealed.—A. The poll-books were delivered to me sealed. I am not positive that all the boxes were, but I am satisfied four of them were sealed.

Q. Please state if each poll-book and ballot-box from No. 1 to No. 5, inclusive, were delivered to you by the proper officer of each precinct.—A. I believe the sheriff of each precinct delivered to me the poll-books and ballot-boxes of their respective precincts.

Cross-examined:

Q. State if you were present at precinct No. 1 in said county on the day of the election; and, if so, did the ballot-boxes remain in the possession and custody of said officers properly and securely locked?—A. I was present at precinct No. 1 on the day of the election, and believe the ballot-boxes remained in the possession of the officers of the election during the day, but I do not believe the ballot-boxes were locked, but the boxes were fastened as described in the deposition of John S. Patton.

J. D. KIRK.

We, the undersigned, hereby agree that the above and foregoing deposition of J. D. Kirk is to be read as evidence on the trial of the contest for a seat in the Forty-third Congress of the United States, in which John M. Burns is contestant and John D. Young is contestee. This 19th March, 1873.

JOHN M. BURNS.
JNO. D. YOUNG.

STATE OF KENTUCKY,
Martin County, set:

I, Mark Dempsey, examiner for the county of Martin, within the State aforesaid, do hereby certify that the foregoing deposition of James D. Kirk was taken before me on the 19th day of March, 1873, at the clerk's office in Warfield, Martin County, Ky., the time and place, and in the matter of contest mentioned in the caption, the said James D. Kirk having been first duly sworn by me before he gave his testimony that the evidence he should give in the said matter of contest should be the truth, the whole truth, and nothing but the truth; that his said testimony was written and subscribed by him in my presence, the contestant and contestee being at the examination.

Given under my hand this 19th day of March, 1873.

M. DEMPSEY,
Examiner for Martin County, Kentucky.

No. 21.—*Deposition of David Mockabee.*

The deposition of David Mockabee, taken at the clerk's office, in the town of Grayson, Carter County, Ky., on Tuesday, the 22d day of April, 1873, to be used as evidence on behalf of the contestant in the contest for a right to a seat in the Forty-third Congress of the United States from the tenth congressional district of the State of Kentucky, wherein John M. Burns is contestant and John D. Young is contestee.

Deponent, being of lawful age, and first duly sworn, deposeth and saith:

By the contestant:

Question. Were you present at the election held at the house of William Johnson, in district No. 4, in Carter County, Kentucky, at the election held in said district, county, and State on the 5th day of November, 1872, for member of the Forty-third Congress; if so, who were the officers that conducted said election?—Answer. I was present at said election and voting-place. Johnson Offill and myself, judges, George W. Brames, clerk, and Isaac Pelfry, sheriff, were the officers that conducted the election at said voting-place and precinct.

Q. Were said officers sworn before they proceeded to act as such? If so, by whom were they sworn, and what office did they fill?—A. The said officers were sworn by Johnson Offill, a justice of the peace of said district, except Johnson Offill, who was sworn by G. W. Brames, deputy for E. P. Davis, clerk of the Carter County court. All the oaths were administered to the officers on the morning of the 5th day of November, 1872, before the polls were opened and the election began.

And further saith not.

DAVID MOCABEE.

David Mockabee claims one day and 50 miles travel, $3.

Also the deposition of WILLIAM B. POWERS, taken at the same time and place, and for the same purpose mentioned in the caption.

By the contestant:

Question. Were you present at, and did you participate in holding, the election at the old Knapp voting-place in district No. 4, Carter County, Kentucky, on the 5th day of November, 1872, for a member of Congress from the tenth congressional district of Kentucky? If so, what office did you fill at said election?—Answer. I was present at and participated in holding the election at the old Knapp place in district No. 4, Carter County, Kentucky, on the 5th day of November, 1872, for a member of Congress from the tenth congressional district of Kentucky. I acted as clerk at said voting-place at said election.

Q. Were the officers at said election sworn before they began to hold the same? If so, by what officer were they so sworn?—A. All the officers were sworn before we began to hold said election, by S. V. Holbrooks, justice of the peace for Carter County, Kentucky, except said S. V. Holbrooks, who was sworn by me after I was sworn in. All the officers were sworn before we began said election.

Q. Please examine the certificate now before you, and state whether there was any certificate made out and signed by the judges and you as clerk at said election and attached to and made part of the poll-book

for member of Congress at said voting-place; and, if so, give the substance of said certificate, if you can.—A. There was a certificate made out and signed by the judges and myself as clerk at said election, and attached to and made a part of said poll-book for a member of Congress at said election and voting-place. The said certificate was about in these words, as well as I can recollect, to wit:

"We, the judges, S. V. Holbrooks and James Johnson, do certify an election was held on this day, November the 5th, 1872, for the purpose of electing a member of Congress, and, after being duly sworn as the law directs, the polls were opened, and the votes taken stand thus: For Congress—John D. Young, 9 votes; John M. Burns, 38 votes.

"S. V. HOLBROOKS, *Judge.*
"JAMES JOHNSON, *Judge.*
"THOMAS A. GLOVER, *Sheriff.*
"WILLIAM B. POWERS, *Clerk.*"

Q. Was said certificate sealed up with the poll-book and delivered to the sheriff at said election? Who wrote said certificate?—A. Said certificate was sealed up with the poll-book and delivered to the sheriff of said election by me. I wrote said certificate.

And furthermore saith not.

WILLIAM B. POWERS.

William B. Powers claims 1 day and 60 miles, and allowed $3.40.

THE COMMONWEALTH OF KENTUCKY,
County of Carter, sct:

I, Harvey Henderson, judge of the Carter County court, in the State of Kentucky, do certify that the foregoing depositions of David Mockabee and William B. Powers were taken before me at the time and place and for the purpose mentioned in the caption, and were read to and subscribed by them in my presence. The said Mockabee and Powers were first sworn by me that the evidence they should give in the matters of the contest set out in the caption should be the truth, the whole truth, and nothing but the truth, and their statements were reduced to writing by me in their presence; the contestant, by attorney, being present at the examination; the contestee neither in person nor attorney being present.

Given under my hand and seal of said court this 22d day of April, 1873.

[SEAL.] HARVEY HENDERSON,
Judge Carter County Court.

No. 22.—*Notice to take depositions.*

Objections and exceptions.

JOHN M. BURNS, CONTESTANT,
against
JOHN D. YOUNG, CONTESTEE.

The contestee, John D. Young, objects to the taking of any further depositions upon the part of the contestant, upon the ground that the time allowed to the contestant to take his proof contesting his right to

the office of Representative in Congress expired before this day, March 14, 1873; which objections, being heard by me, were overruled.

Given under my hand, as justice of the peace for Nicholas County, Kentucky, this 14th day of March, 1873.

W. H. SQUIRES,
Justice of the Peace, Nicholas County.

No. 23.—*Deposition of John A. Campbell.*

The deposition of JOHN A. CAMPBELL, taken before William H. Squires, a justice of the peace and *ex officio* one of the judges of the county court of Nicholas County, in the commonwealth of Kentucky, on the 14th day of March, 1873, at the office of the clerk of the county court in and for said county and State, in the town of Carlisle, in said county and State, to be read as evidence on behalf of the contestant on the trial of a contested-election issue pending in the House of Representatives of the Congress of the United States, in which contest John M. Burns is contestant and Hon. John D. Young is contestee.

The said deponent, being by me first carefully examined and cautioned and sworn to tell the whole truth, doth depose and say:

By the contestant:

Question. Are you, and were you on the 8th day of November, 1872, clerk of the county court of Nicholas County, Kentucky, and, as such, did you on that day constitute one of the board who counted and certified the votes of said county for Representative in the Congress of the United States, taken on the 5th day of November, 1872?—Answer. I am now, and was on the 8th day of November, 1872, clerk of the Nicholas County court, and, as such, was one of the examining board that counted and certified the vote for Representative in the Congress of the United States.

Q. Please examine each poll-book of said county for the November election, 1872, and tell if the oath of office appears to have been taken by the persons holding the election at the various precincts in said county on the 5th day of November, 1872. If any, name the one, and how the vote stands therein certified for contestant and contestee.—A. I have no doubt but that the officers who conducted the election at the several precincts in this county on the 5th of November, 1872, were all legally sworn before they proceeded to receive votes; but the certificates attached to the poll-books do not show the fact, nor does the law require they should. I don't think there is a poll-book in my office where the certificate shows that the officers were sworn who conducted the election.

Q. Please state how many side pages or half pages there is on each poll-book from 1 to 9, inclusive, that are not signed by the respective clerks of the election at the bottom of each page; give each by its number and name.—A. The poll-books are all signed by the clerk at the bottom of the pages, except two, one page on the Carlisle poll-book, No. 4, and the last page on the Ellisville poll-book, No. 3, on which a few votes are recorded; the clerk's name only appears at the bottom of the certificate with the other officers on that page. There are but six precincts in the county, instead of nine, viz: Blue Lick, No. 1; Headquarters, No. 2; Ellisville, No. 3; Carlisle, No. 4; Union, No. 5; Buzzard Roost, No. 6.

Q. Please state if the vote for contestant and contestee are certified

separately, or in any way, by the officers of the Ellisville precinct; if yea, how many votes for contestant and how many for contestee are certified?—A. The aggregate vote only is certified, and not the separate vote for either Young or Burns.

Q. Please add up the vote of contestant, as certified by the precincts of Nicholas County, and tell how many it makes; then state the number of votes certified by you and the other members of the county board as having been received by contestant, and tell the difference, if any, and whether the difference is for or against contestant. Does not the aggregate vote of the contestant, as certified by the various precinct officers, make 654 votes, and does not the county board's certificate make contestant's vote 9 less, or 645 votes?—A. The vote of contestant, as certified by the precincts of Nicholas County, is 596, and his vote certified by the county board is 645; Young's vote, 974. The vote cast for Representative in Congress at Ellisville precinct, No. 3, was not certified separately, but only the aggregate vote cast for the two candidates for Congress. I don't now remember the number of ballots cast either for Young or Burns at Ellisville precinct; they were, however, carefully counted by the county board. My recollection is that that precinct gave Young in the neighborhood of 30 majority. The contestant (Burns) was here a short time ago, and, with my assistance, counted the ballots cast at all the precincts in the county for candidates for Congress at the last November election; and, according to his (Burns's) count, his vote was 651, and Young's vote 975, showing 6 more for Burns and 1 more for Young than was certified by the county board.

Q. Please state, if you know, the condition of each ballot-box and poll-book when received by you. Was each poll-book sealed? Was each ballot-box locked and sealed? Was not the opening in each box covered with a sliding-piece of plank, and not sealed?—A. The ballot-boxes, when returned to my office, were all locked and the opening closed on the inside by a dovetail slide that could not be moved without opening the box. The poll-books were all sealed.

Q. Please state if the sheriff and one of the judges of the elections held in November, 1872, in this (Nicholas) county at each precinct were democrats.—A. The sheriff and one judge at each precinct were democrats, except Ellisville, and in that precinct the sheriff voted for General Grant; or at least that is my recollection.

Q. What is the political status of the county judge and the sheriff of Nicholas County and yourself; and what was it when you compared the votes—counted and certified them in November, 1872?—A. The county judge, sheriff, and myself are democrats, and we were all democrats when we counted and certified the vote of this county on the 8th of November last.

By the contestee:

Q. When the contestant, Burns, assisted by you, lately counted the ballots of Nicholas County, cast for the congressional candidates, which of you did the figuring and added the vote for each of the candidates, you or Burns; if the latter, do you know whether it was correctly done by him or not?—A. Mr. Burns did all the figuring himself. I only assisted him to count the ballots after they were emptied out of the boxes. He set down the figures and added them up. I only noticed his footings: and don't know whether it was correctly done or not.

Q. Did you observe the contestant on that occasion abstract, or attempt to abstract, any of the ballots which had been cast for Young, the contestee?—A. I most certainly saw the contestant attempt to misplace some of Young's ballots.

By the contestant:

Q. Who was present at the time you say you saw the contestant attempt to misplace some of Young's ballots, besides you and the contestant?—A. No person was present, except contestant and myself.

Q. How, in what way, did contestant attempt to misplace ballots?—A. By slipping them under his arm when it (his arm) was laying on the table.

And furthermore deponent saith not.

JNO. A. CAMPBELL.

No other witness being in attendance, the further taking of depositions is adjourned till to-morrow.

I, William H. Squires, one of the justices of the peace of the commonwealth of Kentucky, in and for the county of Nicholas, duly sworn, commissioned, and acting as such, and by law and by virtue of my commission one of the judges of the county court of said county, do certify that the foregoing deposition of John A. Campbell was taken before me, and was read to and subscribed by him in my presence at the time and place and in the action mentioned in the caption, the said Campbell having been first sworn by me that the evidence he should give in the action and proceeding should be the truth, the whole truth, and nothing but the truth, and his statements reduced to writing by him in my presence; W. P. Ross, attorney for contestant, and W'm Norvell, attorney for contestee, being allowed presence at the examination.

Given under my hand this 15th day of March, 1873.

Justice's fee $3.

W. H. SQUIRES,
Justice of the Peace, Nicholas County.

No. 24.—*Deposition of W. M. Chandler.*

The deposition of W. M. CHANDLER, taken on the 14th day of March, 1873, at the county court clerk's office of Robertson County, Kentucky, to be read as evidence in an action on behalf of John M. Burns, contestant, against John D. Young, contestee, pending before the Congress of the United States for a seat in that body.

The contestee, John D. Young, objects to the taking of the depositions herein, because, he says, the time allowed by law for taking depositions by contestant has expired; which objection is overruled and the contestant allowed to proceed with the taking of depositions, to which the contestee excepts.

Attest: C. C. DAVIS, *Examiner.*

By the contestant:

Question. Are you now, and were you the county court clerk of Robertson County on the 8th of November, 1872, and did you constitute one of the board of canvassers, who counted and certified the vote of said county given for Congressman on the 5th of November, 1872, for the district of which Robertson County forms a part?—Answer. I was.

Q. Please examine the ballots in district No. 2, of Robertson County, given or counted for contestee, and state if two ballots were counted for him with the words on them "John M. Young," and was not one other

ballot counted for him in said precinct marked "Young?"—A. There were two ballots counted marked J. M. Young; one was counted marked Young.

Q. In district No. 1 is not one ballot therein marked, "For Congress, John D. Young," and was it counted for him?—A. There is one ballot marked John D. Young, for Congress, and was counted for him.

Q. Examine poll-book of district No. 3, and tell how many half or side pages of said book the clerk of the election failed to sign; also state if, in said precinct, there are not four ballots, with red and blue lines on them, that are marked J. D. Young, that were counted for him.—A. There are six pages, under the head of Grant and Wilson electoral ticket and O'Conor and Adams electoral ticket, not signed by the clerk. There are four ballots on paper ruled with red and blue, marked J. D. Young, which were counted for him. There are also nine ballots on paper ruled with blue lines, marked John D. Young, and counted for him.

Q. Examine poll-book of district No. 4, and state if the last two pages of same are signed by the clerk of the election; state how many half or side pages of same are not signed by said clerk; please state. also, if Burns, the contestant, has not 62 ballots in said precinct, and were there but 61 counted to him?—A. There is one page not signed by the clerk, and five half pages not signed by the clerk, under the head of the Grant and Wilson and O'Conor and Adams electoral tickets. There are 62 ballots, and but 61 counted for Burns.

Q. Please examine the certificate made by you and the other members of the board, with the number of votes certified by the precinct officers, and state if one less vote is not certified by the county board than is shown by the districts for contestant?—A. There is one less vote certified in the comparison by the board than he received.

Cross-examined by Young's attorney:

Q. Do not 33 of the ballots counted for contestee, Burns, in precinct No. 2, bear the distinguishing mark of "Hon." prefixed to the name John M. Burns?—A. They do.

Q. In precinct No. 1 do not 17 of the 51 ballots counted for Burns bear the prefix of "Hon."?—A. Yes, sir; 17 of them do.

Q. Is not every page of the poll-books of precinct No. 3, on which the names of voters are recorded, signed by the clerk?—A. They are.

Q. In precinct No. 3 how many of the 6 ballots cast and counted for Burns are ruled with both red and blue lines, and how many are ruled with blue lines only?—A. Three ruled with red and blue lines, and three with blue only.

Q. Tell what marks are there on all these ballots?—A. Three of them marked "John M. Burns," one marked "John M. Burns," with a capital "A" annexed to his name, and one marked "Burns for Congress," and one marked "Burns."

Q. In precinct No. 4 do not 61 of the 62 ballots cast and counted for Burns bear the prefix of "Hon."?—A. They do.

Q. In precinct No. 5 do not all the 84 ballots cast and counted for Burns bear the prefix of "Hon."?—A. They do.

In precinct No. 4 is not the name of the clerk signed to every page on which the voters' names are recorded?—A. It is signed as clerk on all the pages on which voters' names are recorded, except the last page, where it is signed only as a voter, he being the last voter.

Re-examined by contestant:

Q. You speak of the poll-books on which the voters' names are re-

corded as being signed by the clerk; please explain how the poll-books are made, and how many pages of said books, in each precinct, are not signed by the clerk?—A. The books are made of paper, printed heads, and ruled, with the names of the voters put down twice, once for Congressman and once for the electoral ticket of Greeley and Brown, on the same page, and the electoral tickets of Grant and Wilson and O'Conor and Adams on the page opposite. In precinct No. 1 all the pages are signed and attested by the clerk. In precinct No. 2, the same. In No. 3, on all of the left-hand pages, on which the voters' names are recorded for Greeley and Brown electoral ticket and for Congress, are attested by the clerk, and on the right-hand pages, where the vote for Grant and Wilson and O'Conor and Adams are recorded, are not signed nor attested by the clerk. There are six of those pages. In precinct No. 4 there are four of the left-hand pages, "as above stated," signed and attested by the clerk, and one page, being the last left-hand page, is not signed and attested as clerk, but his name is recorded as the last voter. And the six right-hand pages of said book are not signed or attested by clerk. No. 5, all of the pages are signed and attested by the clerk.

Q. Are not the 6 ballots you refer to, as cast in precinct No. 3, in answer to contestee's fourth question, the same ballots referred to by you in answer to his fifth question?—A. They are.

Q. How many ballots in precinct No. 5, cast and counted for John D. Young, had blue lines on them?—A. There are two.

W. M. CHANDLER.

No. 25.—Deposition of O. S. Deming.

Also, the deposition of O. S. Deming, taken at the same time and at the same place and in the same case:

By the contestant:

Question. Are you now, and were you the judge of the Robertson County court on the 8th of November, 1872; and did you constitute one of the board of canvassers who counted and certified the vote of said county given for Congressman on the 5th of November, 1872, for the district of which Robertson County forms a part?—Answer. Yes, sir.

Q. Please examine the questions propounded by contestant's attorney to W. M. Chandler, in the foregoing deposition, the ballots and poll-books for the several precincts in said county referred to therein, and make your answers to the same.—A. I have examined the questions propounded to W. M. Chandler in the foregoing deposition by contestant's attorney, and the answers given by him to the same, and find them correct, and adopt them as part of my deposition herein.

O. S. DEMING.

STATE OF KENTUCKY,
Robertson County:

I, C. C. Davis examiner for Robertson County, do certify that the foregoing depositions of W. M. Chandler and O. S. Deming were taken before me, and were read to and subscribed by them in my presence, at the time and place and in the action mentioned in the caption, the said Chandler and Deming having been first sworn by me that the evi-

dence they should give in the action should be the truth, the whole truth, and nothing but the truth, and their statements reduced to writing by me in their presence; and the contestant's and contestee's attorney being present alone at the examination.

Given under my hand this 14 day of March, 1873.

C. C. DAVIS,
Examiner for Robertson County.

STATE OF KENTUCKY,
Robertson County:

I, W. M. Chandler, clerk of the Robertson County court, hereby certify that C. C. Davis, before whom the foregoing depositions were taken, is now and was at the time of taking said depositions a lawful examiner for Robertson County, and is authorized by law to take depositions in this State.

Given under my hand and seal of office this 14th day of March, 1873.

W. M. CHANDLER,
Clerk Robertson County Court.

No. 26.—*Notice to take depositions.*

Mr. JOHN D. YOUNG: You are notified that on the 14th day of March, 1873, at the county court clerk's office, in Maysville, before Joseph Summeral, presiding judge of Mason County, I will take the depositions of E. D. Nute, George W. Sulser, W. H. Holmes, R. M. Ricketts, and Perry Jefferson, all residents of Mason County, Kentucky, said evidence to be used as evidence for contestant before the Forty-third Congress of the United States, for a seat therein, in which I am contestant and you are contestee. The taking, if not completed, will continue from day to day until completed.

March 3, 1873.

JOHN M. BURNS.

Executed on John D. Young, the 10th day of March, 1873.

O. WILLSON,
S. B. C.

No. 27.—*Deposition of George W. Sulser.*

The deposition of George W. Sulser, taken before me, Joseph K. Samuell, presiding judge of the Mason County court, at the county clerk's office, in Maysville, on the 14th day of March, 1873, to be read as evidence for contestant, in a certain contested-election case depending before the Forty-third Congress of the United States, for a seat therein, wherein John M. Burns is contestant and John D. Young is contestee, in pursuance of notice hereto attached.

The said witness, GEORGE W. SULSER, being of lawful age, and first duly sworn that the evidence he was about to give should be the truth, the whole truth, and nothing but the truth, doth depose and say in answer to questions by E. D. Nute, counsel for contestant.

(The contestee, John D. Young, objects to the taking of the depositions of the witness herein. 1st. Because of the insufficiency of the notice; 2d. Because the contestant, John M. Burns, has consumed all the time allowed under an amended act of Congress regulating the time that each party are entitled to, his time having expired on the 8th instant.)

Question. Please state your official position now, and what it was on the 8th day of November, 1872, and whether you constituted one of the board who examined, counted, and certified the vote of Mason County, cast for Congressman, on the 5th day of November, 1872. Answer. I am now clerk of the Mason County court, in the State of Kentucky, and I was such on the 8th day of November, 1872. I was one of the board who examined, counted, and certified the vote of said county cast for Congressman on the 5th day of November, 1872.

Q. Please examine the poll-book of each district of Mason County, and state how many pages of same, respectively, are not signed by the clerk of the election at each district.—A. I have just now examined the poll-books of each district of said county, and find that one page of the poll-book of district No. 5 has not been signed by the clerk, he having signed all the other pages of said book; and one page of the poll-book of district No. 11 has not been signed by the clerk of the election, he having signed all the other pages of said book.

Q. Please explain what you consider as a page in said poll-books.—A. The columns and headings for presidential electors, and columns and headings for congressional vote, and for the voter's names for each, are so arranged, ruled, and printed on all the poll-books of this (Mason) county, as to require two pages or one side of a whole sheet to constitute one page of said books; and I so consider and understand it. And to separate them would leave the vote of each page incomplete.

Q. Now, state if each of these two pages, constituting, as you say, one page, is signed by the clerk at each precinct. If not, please state how many of these pages, in each poll-book, are not signed?—A. The half-pages of said poll-books, not signed by the clerks of election in the various districts of said county, are as follows: Maysville district, No. 1, 22 half pages; Dover district, No. 3, 6 half pages; Minerva district, No. 4, 5 half pages; Germantown district, No. 5, 5 half pages; Sardis district, No. 6, 6 half pages; Mayslick district, No. 7, 1 half page; Lewisburg district, No. 8, 8 half pages; Orangeburg district, No. 9, 6 half pages; Washington district, No. 10, 9 half pages; Murphysville district, No. 11, 5 half pages.

(The contestee, John D. Young, objects to the question and answer above, because the law does not require the signing of half pages by the clerks of election.)

Q. What was the condition of said poll-books when received by you—sealed or unsealed? Were the ballot-boxes of the various precincts of Mason County, when they came into your possession, sealed or unsealed? Who delivered said books and boxes to you?—A. Said poll-books were all sealed when delivered to me; and the ballot-boxes were all locked and sealed when delivered to me. They were delivered to me by the sheriffs of election in the various districts, as I now recollect.

Q. Please state if there is any certificate of the inspectors of the election for Congressman in this county on the 5th day of November, 1872, on any one of the leaves of any poll-book in this county, except in district No. 2. and state if these certificates accompanying each book are not on slips of paper, and movable to any part of said book, or out of it without injury, mutilation, or erasure on said books?—A. There are

certificates of the inspectors of the election for Congressman at said election written upon the leaves of *two* of said poll-books—those of district No. 2 and No. 5. The certificates of said inspectors of election, to all the other poll-books of said county at said election, are upon pieces of paper separate from the poll-book, but said certificates are each folded in the poll-books to which they respectively belong, and were so folded when delivered to me, and have been kept so by me. They can be taken out of said books without injury to, or mutilation or erasure of said books.

Q. Please examine said certificates of the inspectors of said election, and state the number of votes certified in each district for contestant and contestee, respectively; foot up the same, and tell how many are certified, in the aggregate, for each.—A. The votes certified by said inspectors in the several districts are as follows, viz: District No. 1, John D. Young, 367 votes; John M. Burns, 321 votes. District No. 2, John D. Young, 247 votes; John M. Burns, 188 votes. District No. 3, John D. Young, 140 votes; John M. Burns, 43 votes. District No. 4, John D. Young, 94 votes; John M. Burns, 30 votes. District No. 5, John D. Young, 101 votes; John M. Burns, 55 votes. District No. 6, John D. Young, 82 votes; John M. Burns, 87 votes. District No. 7, John D. Young, 209 votes; John M. Burns, 195 votes. District No. 8, John D. Young, 158 votes; John M. Burns, 67 votes. District No. 9, John D. Young, 95 votes; John M. Burns, 88 votes. District No. 10, John D. Young, 119 votes; John M. Burns, 160 votes. District No. 11, John D. Young, 51 votes; John M. Burns, 113 votes. Total: John D. Young, 1,663 votes; John M. Burns, 1,347 votes.

Q. I will now ask you to examine the poll-books of this county, and state how many names appear on each as voting for congressman; foot up the same, and state the total number of names of persons so voting; compare this total with the total number of votes certified; state the difference, if any; on which side it is found, and how that difference was occasioned, if you know.

(The contestee, John D. Young, objects to the above question, 1st, because the witness has no evidence that the names, as appearing in the list of those voting for congressman, are correct; 2d, because the ballots deposited in the ballot-boxes constitute the true number of votes cast, and the same having been certified by the board of examiners as constituting the true amount received by each candidate, respectively.)

A. I have again examined the poll-books, and find, if I have correctly counted the names, that the number appearing on each book as having voted for congressman in each district is as follows: District No. 1, 695 names; district No. 2, 439 names; district No. 3, 183 names; district No. 4, 130 names; district No. 5, 157 names; district No. 6, 170 names; district No. 7, 405 names; district No. 8, 225 names; district No. 9, 190 names; district No. 10, 280 names; district No. 11, 164 names; total, 3,038 names. The total number certified by the officers of election in the different districts of the county is 3,010, making a difference of 28 between the number of names voting for congressman found on the poll-books and the number certified by said officers of election. I can only account for part of said difference from what I find on the books as certified by the officers of election, to wit: At district No. 4, there was one more name on the book than there were ballots deposited. At district No. 7, there is one more name on the poll-book than the officers of election in said district counted and certified. At district No. 9, there were deposited in the ballot-box (as stated in writing on the poll-book) one double ticket for John D. Young and one double ticket for John M. Burns; one ticket for Young and Burns, and one for Greeley and

Brown, which must have not been counted by the officers of election at said district, and were rejected by them, as the number of votes certified by them is less than the number of names on the book, voting for congressman; and there were three ballots cast for Thomas M. Green, and one ballot for J. W. Bullock for Congress. I do not know how the balance of said difference was occasioned. I do not know whether every voter whose name is recorded on the poll-books in the different districts of the county deposited his ballot in the ballot-box.

Q. When the board of examiners for the county certified to the congressional vote, did they do so by precincts, or does their certificate contain only a return of the total number of votes received and counted for contestant and contestee, respectively? if the latter, please state the number certified for each, and is it larger or smaller than the number certified by the precinct officers? Please state also against whom the difference.—A. Their certtificate shows only the total number of votes counted for each candidate for Congress at said election. Their said certificate shows that the vote of Mason County for Congress stood as follows, viz: For John D. Young, 1,663 votes; for John M. Burns, 1,338 votes; for Thomas M. Green, 3 votes; for J. W. Bullock, 1 vote. The vote for contestant and contestee as certified by the officers of election in the various districts, gives Jno. D. Young 1,663 votes, and John M. Burns, 1,347 votes, making a difference against said Burns of 9 votes.

Q. State how this discrepancy occurred, if you know.—A. I do not know, but I can give you my opinion about it if you wish it. I know, however, that the board for comparing the polls, of which I was a member, rejected and did not count some ballots which they found in the ballot-boxes upon opening them, for what they deemed sufficient legal reasons, such as two ballots being folded together, and others having distinguishing marks on them; but whether these same ballots had been rejected or counted by the officers of election in the district where they were deposited, I can't say. Said discrepancy could have been occasioned in that way.

Q. Are you the custodian of the ballot-boxes, poll-books, and ballots of Mason County?—A. I am.

Q. Please state if there is any evidence on poll-books Nos. 1,2, 3, 4, 5, 7, 8, and 9, showing that the election officers of the said precinct were sworn before they acted as such. If you say yes, state the one and the evidence that they were sworn.—A. I do not find any such evidence upon said poll-books.

Q. Now state how the officers of the November election in this county were politically divided; state the number of democratic sheriffs at the several precincts of the county at said election.—A. The officers of election at said election, as appointed by the judge of the county court and sheriff of Mason County, whose duty by law it is to appoint them, were as nearly equally divided politically as it was practicable for them to do so. There were appointed as officers of said election forty-four persons, and upon looking over the list of them now before me, if I am not mistaken in their political opinions, twenty-two (one-half) of them are republicans. There are nine of the sheriffs at said election who are democrats and two of them republicans, and eight of the clerks are republicans and three of them democrats, and the judges were ten of them democrats and twelve of them republicans, as nearly as I am able to state from the list of them before me.

(Contestant objects and excepts to so much of the above answer as relates to judges and clerks, as not being responsive to the question.)

Q. Who composed the board to count and certify the vote of Mason County, and how were they politically divided?—A. Joseph K. Sumrall, presiding judge of the Mason County court; Perry Jefferson, sheriff of Mason County, and Geo. W. Sulser, clerk of the Mason County court, composed said board, as required by law. They are all of them democrats.

Q. How many ballots deposited for contestant were rejected by the county board, and why?—A. There were eight ballots cast for John M. Burns which were rejected and not counted by said board; six of them because they were folded two together, and two of them on account of having distinguishing marks on them.

Q. When the ballot-boxes were received and the ballots counted by the board, were the ballots folded, or opened and straightened out? Were the votes for contestant and contestee, respectively, in packages, or mingled promiscuously in the boxes?—A. All of them were opened except, perhaps, some in cases where two had been folded together, which had been left so by the officers of election in the different districts. They had opened the others in counting them. The ballots in all the boxes were mingled promiscuously in the boxes when opened by the board for comparing the polls.

Q. How could you tell, after the precinct officers had handled and counted the ballots, how they had been folded before they were deposited in the box?—A. I could only tell from the condition and appearance of the ballot when the box was opened by us, the creases and folds in the ballots.

Q. Are you giving this deposition in the city of Maysville, Mason County, Kentucky, on the 14th day of March, 1873, and is the contestee, John D. Young, present, either in person or by attorney, at the examination?—A. I am giving my deposition on said day, in said city, county, and State; and the contestee, John D. Young, is present in person.

Cross-examined by contestee, John D. Young:

Q. Please state on poll-book No. 11, where two half pages and one whole page is not signed by the clerks, the majority on the said book for John M. Burns, the contestant.—A. John M. Burns's majority as shown on said poll-book in said district is 62.

Q. In making up the number of votes cast for candidates of Congress at the last November election in the county of Mason, you being one of the number constituting the board to compare said polls, did you count the list of names recorded on the list in the column of those voting for said candidates, or did you count the ballots in each box?—A. We counted the ballots in each box. I don't remember whether we counted the names on the books or not. We made our computation of the votes cast from the number of ballots in the boxes. We counted the ballots and added them all together and made our certificate from that.

Q. Did you count for the contestant, John M. Burns, all the legal ballots or votes he was entitled to?

(Question objected to by contestant.)

A. We did.

Q. Are you now satisfied that the vote then counted by you, and as certified to the secretary of state by the said board, is correct?—A. I am.

Q. State, if you know, the number of ballots counted by said board for the contestant, with the word "hon." before the name of John M. Burns.—A. In looking over the ballots to-day, I found 14 of

them with the word "hon." before John M. Burns, on them. There may be others, as I was not looking at them specially for the purpose of seeing how many were so printed or written.

Q. Do you know of any fraud or intimidation upon the part of the friends of the contestee, John D. Young, in the county of Mason, at the last November election?—A. I do not.

Q. Have you a blank sheet similar to the one of which the poll-books of Mason County are composed, and if so please mark the same with the initial of your name "G. W. S." and make it a part of this your deposition; also state and explain with said sheet what you mean by half-page, as referred to in your answer to the fourth question of contestant, and also what you mean by whole page.—A. I have a blank sheet of the same kind of poll-book paper used in the poll-books of the presidential and congressional election held November 5th, 1872, in this county. I herewith file said blank sheet with this deposition, as part thereof, marked with the initials of my name "G. W. S." The fold or crease of said sheet is between the columns under the headings of the Greeley and Brown electoral ticket, and those of the Grant and Wilson electoral ticket, the headings and columns for the congressional vote, and the headings and columns for the names of voters for the Greeley and Brown electoral ticket, being on the left-hand side of said fold or crease; and the headings and columns for the Grant and Wilson and O'Conor and Adams electoral ticket, and column for remarks, being on the right-hand side of said fold or crease, thus requiring the entire one side of said sheet to constitute a page in the poll-book. By a half-page, I mean that part of one side of said sheet which is on the right, or on the left of said fold or crease.

Q. Please state, if you know, what has been the usual democratic majority in the county of Mason for the last five or six years.—A. Up to the last congressional and presidential election, it has ranged from 600 to 1,400 majority, according to my best recollection.

And further deponent saith not.

GEO. W. SULSER.

STATE OF KENTUCKY,
County of Mason, sct:

I, Joseph K. Sumrall, presiding judge of the Mason County court of the county of Mason, and State of Kentucky, do certify that the foregoing deposition of George W. Sulser was taken before me, and was read to and subscribed by him in my presence, at the time and place, and in the action mentioned in the caption, the said Sulser having been first sworn by me that the evidence he should give in the action should be the truth, the whole truth, and nothing but the truth, and his statements reduced to writing by him in my presence; the contestant John M. Burns being present by attorney, and the contestee John D. Young being present in person at the examination.

Given under my hand this March 14, 1873.

J. K. SUMRALL,
P. J., M. Co.

No. 28.—Exhibit

CONGRESSIONAL VOTE.			GREELEY AND BROWN ELECTORAL TICKET.												
A list of those voting for Representative in Congress, at precinct or voting place in County, at the election held on the 5th day of November, 1872.		Arranged and printed by Bolling & Co., Louisville, Ky., who will furnish this paper in loose sheets at $1.50 per quire, and bound in books at the rate of 15 cents per book extra.	George B. Hodge.	James A. McKenzie.	J. M. Bigger.	Eli H. Brown.	R. S. Bevier.	J. M. Atherton.	R. A. Jones.	H. Cox.	W. C. P. Breckinridge.	R. E. Little.	A. L. Martin.	H. L. Stone.	
Names of voters.	Total vote.	Names of voters.	Electors for State at large.		1st district.	2d district.	3d district.	4th district.	5th district.	6th district.	7th district.	8th district.	9th district.	10th district.	Total vote.

marked "G. W. S."

GRANT AND WILSON ELECTORAL TICKET.				O'CONOR AND ADAMS ELECTORAL TICKET.				Remarks.
Charles Eginton.	George M. Thomas.			John T. Bunch.	Oscar Turner.			
Electors for State at large.		1st district.	Lucien Anderson.	Electors for State at large.		1st district.	Robt. F. Johnston, jr.	
		2d district.	Samuel E. Smith.			2d district.	M. D. Hay.	
		3d district.	D. R. Carr.			3d district.	Lewis C. Garrigus.	
		4th district.	Richard J. Browne.			4th district.	Robert A. Bruton.	
		5th district.	Harvey M. Buckley.			5th district.	G. W. Chambers.	
		6th district.	Oliver W. Root.			6th district.	O. D. McMannama.	
		7th district.	Gabriel Burdett.			7th district.	Benj. Selby.	
		8th district.	Speed S. Fry.			8th district.	A. S. Warren.	
		9th district.	W. H. Holt.			9th district.	Joseph Hill.	
		10th district.	J. W. Anderson.			10th district.	R. K. Smith.	
		Total vote.				Total vote.		

No. 29.—*Notice to take depositions.*

Mr. JOHN D. YOUNG, or WILLIAM NORVELL, *attorney for said Young:*

Your attorney who has acted and been employed by you to examine and cross-examine witnesses for you in this contest, you are notified that on the 26th day of April, 1873, at the county court clerk's office, in Carlisle, Nicholas County, Kentucky, I will, before James W. Kenney, county judge of said county, take the depositions of James R. McCullough and John Kennedy, to be used as evidence in my behalf in a contest pending and undetermined before the Forty-third Congress of the United States for a seat therein, in which I am contestant and you are contestee, at which time and place you can attend, and I will continue from day to day until completed.

April 21st, 1873.

Respectfully,

JOHN M. BURNS.

Executed April 24, 1873, on W'm Norvell, by delivering to him a copy of the within notice.

S. W. CAMPBELL, *S. N. C.*

No. 30.—*Deposition of John F. Kennedy.*

The deposition of JOHN F. KENNEDY, taken at the office of the clerk of the county court of Nicholas County and State of Kentucky, on the 26th day of April, 1873, to be read on the trial of a contest for a seat as Representative in the Congress of the United States, depending in said body, in which John M. Burns is contestant, and John D. Young is contestee, and taken on behalf of the contestant.

The witness, being of lawful age, and first duly sworn, deposeth and says:

By the contestant:

Question. What is your age and where do you reside?

(The contestee objects to the taking of the deposition herein because he has not had sufficient notice, his contestee's time for taking proof having expired on the 24th day of April, 1873.—THOS. J. YOUNG, *attorney for contestee Jno. D. Young.*)

Answer. I live in Nicholas County; am twenty four years old.

Q. State whether you acted as an officer of the election at any precinct in Nicholas County, Kentucky, at the election held for Congressman and presidential electors on the 5th day of November, 1872, and, if so, state what office you held and in what precinct you so acted; giving name and number of the precinct.—A. I was one of the judges at headquarters, precinct No. 2, at the November election, 1872.

Q. State whether or not you were present after the close of the polls in said precinct, and aided in counting the ballots for Congressman cast at that precinct that day, and certifying the same.—A. I was present at the closing of the poll; saw the sheriff take out the ballots and count them over and set them down on paper, assisted by the clerk of the election.

Q. Were there any ballots in the ballot-box which the officers of the election in making up the count did not count, or take into the estimate

of the number of ballots cast for Congressman? If so, please state the number so not counted.—A. Yes, there was five or six double ballots, making in all ten or twelve single ballots that were not counted.

Q. What was done with the ballots that were not counted?—A. They were wrapped up in a piece of paper and put back in the ballot-box, marked rejected.

Q. Who wrote rejected on the paper inclosing the ballots?—The clerk.

Cross-examined by attorney for contestee:

Q. For whom did you cast your ballot for member of Congress on the 5th day of November, 1872?—A. For John M. Burns.

Q. Whose name was on the rejected ballots above spoken of by you?—A. They were for Burns.

Q. Please explain how these ballots were folded.—A. There was two ballots together doubled twist.

Q. With the exception of the double ballots, inserted in the ballot-box for contestant, as above spoken of, was or not the election conducted fairly at headquarters' precinct, or precinct No. 2?—A. I saw nothing unfair about it except there was three democrats officers and one republican; the election was conducted fairly so far as I saw.

JOHN F. KENNEDY.

STATE OF KENTUCKY,
Nicholas County, ss:

I, James M. Kennedy, presiding judge of the Nicholas County court, a court of record within aforesaid State and county, do certify that the foregoing deposition of John F. Kennedy was taken before me, and was read to and subscribed by him in my presence, at the time and place, and in the proceeding or action mentioned in the caption, the said Kennedy having been first sworn by me that the evidence he should give in the proceeding should be the truth, the whole truth, and nothing but the truth, and his statements reduced to writing by me in his presence. Counsel for the parties, contestant and contestee, being also present at the examination.

Given under my hand this 26th day of April, 1873.

J. M. KENNEDY, *P. J. N. C.*

Judge's fee, $2.

No. 31.—*Deposition of Mike M. Teager.*

The deposition of MIKE M. TEAGER, taken on the 24th day of April, 1873, at the county court clerk's office in the town of Flemingsburgh, Kentucky, to be read as evidence on behalf of contestant in a certain contested-election case now pending before the Forty-third Congress of the United States of America, wherein John M. Burns is complainant and John D. Young is defendant, in the tenth congressional district of Kentucky.

The witness being of lawful age, and first duly sworn.

By John M. Burns:

Question. You will compare the precinct certificates, with the county board certificate and see whether or not the board did or not count one

more vote for John D. Young than the precinct certificates show, and two less for John M. Burns.

Q. In precinct No. 7 look and see whether or not some of the pages of the poll-book are not signed by the clerk, and state the number of pages or half pages not signed. And you will also state from the same poll-book whether or not only 410 names certified as voting for Congressman, and whether or not on said book the names of 415 voters appear.

(The contestee, John D. Young, excepts and objects to the taking of depositions in this cause to-day at this place, because the time of contestee for taking his proof in the cause has not yet expired, and because contestee has notices served on contestant to take depositions for contestee in this cause at this place this day.)

JOHN D. YOUNG,
By A. E. COLE, *his Attorney.*

The objection and exception of the contestee above heard and overruled, and the contestant was permitted to proceed with the taking the deposition.

JAMES E. SMITH,
Judge Fleming County Court.

The attorney for the contestant made no question, and did not ask the judge to make any ruling, leaving the exception above to the Congress of the United States to settle the points.

Answer to No. 1. I have added up the number of votes received by John D. Young and John M. Burns, for Congress, at the November election of 1872, as certified by the respective county boards for each precinct in the county, and compared the aggregate vote cast respectively for each, as shown by said certificates of the precinct boards, with the certificate of the county board, and find them to compare as follows: The aggregate, certified by the precinct boards, shows for John D. Young 1,040 votes; for John M. Burns 986 votes. The certificate of the county board shows, for John D. Young 1,041 votes; for John M. Burns 984 votes; showing one more certificate for Young by the county board, than the aggregate of the precinct boards shows, and two less for Burns. I was one of the county board, and we made up our certificate from the following facts: We carefully examined the consecutive numbers of the votes cast for Congress to ascertain whether they were numbered in exact consecutive order, and see that there was no mistake in entering the numbers recorded in the poll-book, and to see that no two votes were designated by the same number, and that the aggregate was correct. We find upon examination of the poll-book for Flemingsburgh, that we found that two votes were recorded for Congress and each numbered "232." Number 288 is omitted, and number 362 is recorded twice, making the aggregate vote certified by the precinct board one vote too small, and my recollection is that the number of ballots showed this fact, that Young got one more vote than was certified.

I further find, as also we did when we examined as a county board, that the total vote certfied for Jno. M. Burns by the precinct board for the Poplar Plains precinct is 153; that board also certified as follows: "Two ballots for Burns, folded together and thrown out." We thereupon deducted from the aggregate amount certified by the precinct board the two votes certified "thrown out."

Answer to No. 2. I have examined the poll-book for precinct No. 7, and find that the clerk of the election has signed his name at the foot

of every page containing the vote for Congress. I find upon further examination of the poll-book for precinct No. 7, that the precinct board have certified 410 votes cast, while the number of votes recorded appear to be 415, subject, however, to the addition of one vote as explained in my answer to question No. 1. I find also upon further examination that there are five votes counted out by the precinct board, which they seem to have deducted from the said aggregate of 415, leaving, as certified by them, an aggregate of 410 votes.

Q. You will look at poll-book nine and state whether or not two more names appear as voting for Congressman than are certified.—A. I have examined the poll-book for precinct No. 9, and find that there are 233 votes recorded and only 231 certified by the precinct board.

Q. You will look at poll-book No. 6, and state whether or not the clerk of the election signed all of the pages; and if not, state all the pages that are not signed.—A. Upon examination of poll-book No. 6 I find that the congressional and presidential vote covers two pages of the book, facing each other. The first page contains the congressional vote and the Greeley and Brown electoral ticket. The second contains the Grant and Wilson and O'Conor and Adams electoral tickets. These pages fold so as to face each other. I further find that the clerk has signed the left-hand page in one place, and five places on the right-hand page only; and in one and the last place he has signed both the left and right hand pages.

Q. You will look at poll-book No. 5 and see whether or not 137 names appear on said book as voting for Congressman, and only 135 are certified.

(The contestant, John D. Young, excepts to the foregoing question because the same is leading.—JOHN D. YOUNG, by A. E. COLE, *his Attorney.*)

A. I find that there are 137 votes registered, and 137 certified.

Q. Look at poll-book No. 3, and state whether or not two of the ballots for Burns were or not rejected and not counted.

(The contestee, John D. Young, excepts to the foregoing question because the same is leading.—JOHN D. YOUNG, by A. E. COLE, *his Attorney.*)

A. It appears that two votes were rejected on poll-book No. 3, as stated and explained in my answer to question No. 1.

Q. You will state whether or not the sheriff at the Elizaville precinct No. 5 and one of the judges were or not democrats. And you will also state whether or not the officers of said election were or not sworn according to anything that appears from said poll-book No. 5.—A. To the best of my knowledge, three of the judges and the sheriff of Elizaville precinct No. 5 were democrats, and one judge and the clerk were republicans. I am unable to say whether they were sworn before acting or not, except that their names all appear to a printed oath attached to the front of the book, in which are these words: "That we will faithfully execute, to the best of our abilities, the office of sheriff, judges, and clerk," &c., which oath appears to have been administered by Isaac Planck, a justice of the peace for this county.

Q. You will state whether or not the sheriff and one of the judges at Centerville, No. 6, and Tilton, No. 5, were or not democrats.—A. They were, so far as I know.

Cross-examined by A. E. Cole, attorney for John D. Young, contestee:

Q. Please state how many precincts there were in Fleming County, Kentucky, for voting places at the congressional election held No-

vember 5, 1872, and how the officers of election were divided politically at said election for Congress on the 5th day of November, 1872, at each of the said precincts, in Fleming County, Kentucky.—A. There are nine voting precincts in the county at which an election was held for members of Congress in November last. So far as I know of the politics of the officers of each at said election precinct, one of the judges and the sheriff of each were democrats, and one of the judges and clerk of each were republicans. I find further that one of the judges of each precinct voted for Greeley, except one, who voted for O'Conor, and the sheriff of each precinct voted for Greeley; and that one of the judges of each precinct and all the clerks voted for Grant.

Q. Examine the ballots cast for the contestant in said election held November 5, 1872, in Fleming County, Kentucky, in the tenth congressional district, and state how many of the ballots for contestant, John M. Burns, have distinguishing marks on them.

The cross-examination by contestee, John D. Young, not being completed, it is ordered that a further examination be adjourned until to-morrow morning at 9 o'clock.

JAS. E. SMITH,
County Judge.

Pursuant to adjournment on yesterday, the examination of M. M. Teager was resumed this morning, April 25, 1873, at 9 o'clock; who, in response to the last interrogatory propounded by contestee on last evening, says:

A. I have examined the ballots on file in the clerk's office, cast for John M. Burns at the last November election for Congress, and have hastily counted them, and find, according to my count, 481 ballots printed "Hon. John M. Burns," 47 ballots written "Burns," 16 ballots written "J. M. Burns," 6 ballots written "John Burns," 1 ballot written "J. Burns," all of which votes were counted for John M. Burns by the examining boards.

Q. Please examine the poll-books for Sherburne, Mount Carmel, Fox, and Poplar Plains precincts, in Fleming County, Kentucky, tenth congressional district, in the election held November 5, 1872, in which the contestant and contestee in this cause were candidates for Congress in said tenth district, and say how the said poll-books were signed by the clerk of said election, said precincts being Nos. 1, 2, 3, and 8, if signed at all, on the foot-page of each leaf of said poll-books.—A. I have examined the books referred to, and would state that all of them are made up as stated in my examination-in-chief. I find that the poll-book for Sherburne precinct is not signed at all at the foot of any page nor on the last page. The clerk's name does not appear on any page of said book on which the voters' names are registered, except as a voter himself. The book for Mount Carmel precinct is signed by the clerk upon each right-hand page only. That for Poplar Plains is signed by the clerk at the foot of each right and left hand page; as also that for Fox precinct.

Q. Please examine the poll-books for Sherburne and Mount Carmel precincts, No's 1 and 2, for the election held 5th November, 1872, in Fleming County, Kentucky, in the tenth congressional district, in which the contestant and contestee in this cause were candidates for Congress, and state how many votes were polled in each precinct for each candidate, and, also, how many votes were certified by the examining board?—A. The Sherburne poll-book shows a total vote cast of 107, of which the examining board certified 51 for John D. Young,

and 56 for John M. Burns. The Mount Carmel poll-book shows a total vote cast for Congress of 209, of which the examining-board certified 79 for John D. Young, and 130 for John M. Burns.

Q. Please examine the poll-books in Sherburne, Poplar Plains, Fox, and Mount Carmel precincts, (being No's 1 and 2, and 3 and 8,) in Fleming County, Kentucky, at the election held for Congressmen on the 5th day of November, 1872, in the tenth district Kentucky, and state whether or not the said poll-books show that the officers of said election were sworn before the said election was held?—A. As I stated in response to a similar interrogatory on yesterday, I have no means of knowing whether the officers of said precincts were sworn before the election was held or not, except as appears from the oath subscribed and sworn to by the officers of each. pasted on the inside of the back, at the beginning] of said books. The oath to the Sherburne poll-book contains the following: "That we will faithfully execute, to the best of our abilities, the office of judges, sheriff, and clerk of the presidential and congressional election according to law," &c. That for Mount Carmel contains the same. That for the Poplar Plains precinct contains the following: "That we will faithfully execute, to the best of our abilities, the office of judges, clerk, of the sheriff election, according to law," &c. That for Fox precinct contains the following: "That we will faithfully execute, to the best of our abilities, the office of judge, sheriff, and clerk of the November election, according to law," &c. These oaths appear to have been duly and legally administered on the 5th day of November, 1872.

Q. Please examine the Elizaville poll-book, precinct No. 9, in the election held November 5th, 1872, for Representative for Congress in the tenth congressional district, Fleming County, Kentucky, and say how many votes were certified, and how many appear having been cast for each candidate for Representative in Congress, and if any discrepancy appears between the vote appearing to have been cast and those certified by the officers of election and the examining board, and if any ballots were rejected, how many; and if any, what marks were on them showing them to have been rejected by the officers of election, and whose writing is it that is on the said rejected ballots, and all you may know about them.—A. The Elizaville poll-books for said election show that the total number of votes cast were 233, while the examining precinct board have certified 154 votes for John D. Young, and 77 for John M. Burns, making a total certified of only 231. I find by looking over the ballots that there are 2 ballots cast for "Hon. John M. Burns," which being at this time separated from the bundle of ballots for that precinct, and from the handwriting indorsed on them, and their not being considered in the count of any other precinct by the county board, of which I was a member, in so far as I remember now, it is my opinion they belong to said Elizaville precinct. These two votes were rejected by the precinct board, and are indorsed as follows: "Not counted; doubled together;" which indorsement, by comparison with the writing of the clerk of the election in said precinct, I believe to be in his handwriting. I am clerk of the Fleming County court, and was November 5th, 1872.

And further saith not.

M. M. TEAGER.

I, James E. Smith, judge of Fleming County court, do certify that the foregoing deposition of M. M. Teager was taken before me, and read to and subscribed by him in my presence at the time and place

and in the action mentioned in the caption, he having been first sworn by me that the evidence he should give in the action should be the truth, the whole truth, and nothing but the truth, and his statement reduced to writing by himself, A. E. Cole, attorney for John D. Young, and J. W. Anderson, attorney for John M. Burns, being present at the examination.

Given under my hand this 23d day of April, 1873.

JAMES E. SMITH,
Judge Fleming County Court.

No. 32.—*Deposition of Abner H. Evans.*

The deposition of ABNER H. EVANS, taken at the office of the clerk of the Fleming County court, at Flemingsburgh, Fleming County, Kentucky, on Friday, the 14th day of February, 1873, to be read on behalf of John M. Burns, in his contested-election case with John D. Young, upon the notice herewith. (See it printed.)

The contestee, John D. Young, by his attorney, A. E. Cole, objects and protests against the taking of depositions in this cause to-day by contestant, because there is no notice to take the same produced or given, and also because the time of contestant, John M. Burns, has expired for taking his proof-in-chief in this cause, according to the laws of the United States Congress governing this cause.

JOHN D. YOUNG,
By A. E. COLE, *His Attorney.*

The objections being heard and overruled the parties proceeded.

Question. Are you now, and were you deputy clerk of the Fleming County court on the 8th of November, 1872?—Answer. I am now and have been deputy clerk of the Fleming County court since the 5th day of September, 1870.

Q. Please examine the certificate on each poll-book from 1 to 9 inclusive, and state how each certificate to the same respectively is made: whether written or printed, and how attached to the said poll-books.—A. I have examined the certificates on the poll-books above referred to from 1 to 9. I find the certificates are all printed blanks, and filled up by the officers of the election. Said certificates are pasted on the inside of the back of the poll-books. The poll-books were arranged by R. R. Bolling & Co., of Louisville, Kentucky, and the blank certificates were pasted in them when they were received in the Fleming County clerk's office.

(Contestee, John D. Young, by his attorney, A. E. Cole, objects to the foregoing question, because the same is leading.)

Q. Please state of what the backs of the poll-books are composed, and how many side pages are on each poll-book that are blank, intervening between the places on said books, where the names of voters stop, to the certificate on the backs of the said books.—A. The backs of the poll-books are made of pasteboard. In district No. 1, (Sherburne,) upon examination, I find 7 blank pages intervening between the last page upon which the votes are recorded, and the certificate as attached to the back of book as above stated. In Mount Carmel district No. 2, I find there are 8 pages intervening in like manner. In district No. 3, Poplar Plains,) there are 10 pages intervening in like manner. In dis-

trict No. 4, (Hillsborough,) there are 8 pages intervening in like manner. In district No. 5, (Tilton), there are 6 pages intervening in like manner. In district No. 6, (Centerville,) there are 8 pages intervening in like manner. In district No. 7, (Flemingsburgh,) there are 7 pages intervening in like manner. In district No. 8, (Fox,) there are 5 pages intervening in like manner. In district No. 9, (Elizaville,) there are 8 pages intervening in like manner.

Q. Please state if in said district No. 3 there were any ballots or votes thrown out that were for the contestant Burns, and, if so, how many? And whether they were counted for contestant by the county board or not?—A. I have no knowledge of any ballots being thrown out for the contestant Burns in district No. 3, and do not know whether they were counted for the contestant Burns by the county board or not.

Q. How many names appear to have voted for Congressman, and how many were counted and certified as voting for Congress as shown by the said poll-book for district No. 5?—A. The poll-books show that there was cast for Congressman 137 votes in district No. 5. There is certified in said district for Burns, 46 votes, and for John D. Young, 91 votes.

Q. How many names appear to have voted for Congressman, and how many were counted and certified as voting for Congress, as shown by the said poll-book for district No. 7, Flemingsburgh?—A. It appears from the poll-books in the Flemingsburgh precinct, that there were 415 votes cast for Congressman, and there is certified for Burns, 189, and for Young, 221. There were 4 votes counted out for Burns; two of them were folded together; one was illegal, because the voter had not been in the district sixty days prior to the election; one vote was thrown out for Young, for the reason that there was either written or printed on said ballot, "For Congress, John D. Young."

Q. Please to state how many votes are registered as voting for Congressmen and how many are certified for each candidate, and especially contestant, upon poll-book for district No. 9, Elizaville.—A. In Elizaville district, No. 9, there appears to have been 233 votes cast for Congressmen; there is certified for Burns in said district 77 votes, and for Young 154 votes.

Q. Will you examine each certificate of the nine poll-books aforesaid, and state what were the politics of each sheriff, whether democratic or republican?—A. To the best of my knowledge the sheriffs of the election in each of the nine districts are democrats.

Q. Did all the ballot-boxes come to the clerk's hands, or this office, locked and sealed? If not, tell by number of precinct and poll-book the one or ones that were not. Were the poll-books all sealed? If not, name them that were not. Also state who delivered each box and book; were they officers of the election that delivered them?—A. The ballot-boxes were all returned to this office locked and sealed; the poll-books, with the exception of two or three precincts, were returned locked up in the ballot-boxes. The books that were returned in the two or three precincts above named were sealed, and all of the books and boxes were returned by the officers of the election to the best of my remembrance.

Q. Will you state the votes and number cast at each of said nine precincts as certified by the officers of the election and as certified thereafter by the examining board?—A.

	Young.	Burns.
In No. 1, Sherburne precinct	51	56
In No. 2, Mount Carmel precinct	79	130
In No. 3, Poplar Plains precinct	130	153
In No. 4, Hillsborough precinct	152	181
In No. 5, Tilton precinct	91	46
In No. 6, Centerville precinct	157	68
In No. 7, Flemingsburgh precinct	221	189
In No. 8, Fox precinct	5	86
In No. 9, Elizaville precinct	154	77
Total	1,040	986

Total vote in the county for John D. Young, 1,040 votes. Total vote in the county for John M. Burns, 986 votes. There is certified by the county board for John D. Young, 1,041 votes, and for John M. Burns, 984 votes.

Cross-examined by A. E. Cole, attorney for John D. Young, contestee:

Q. Please state whether or not any of the ballots cast for contestant, John M. Burns, in the election on the 5th day of November, 1872, in his race for Congress, in the tenth district State of Kentucky, had on them any distinguishing mark other than that of the name of John M. Burns, and if so, how many and in what precincts of Fleming County.—A. In the Elizaville precinct, (No. 9,) in Fleming County, at the election held on the 5th day of November, 1872, 74 ballots had the word "Hon." placed before John M. Burns' name. In the Hillsborough precinct, (No. 4,) 177 ballots had the same, viz, Hon. John M. Burns. In the Poplar Plains precinct, No. 3, 135 of Burns' ballots had Hon. John M. Burns printed on them. In the Tilton precinct, (No. 5,) 45 of Burns' ballots have Hon. John M. Burns printed on them. In the Centerville precinct, (No. 6,) 61 of Burns' ballots have Hon. John M. Burns on them.

Q. Please examine the poll-book of the various precincts in said election for Representative in Congress on the said 5th day of November, 1872, in tenth district State of Kentucky, in Fleming County, and state whether or not the officers of election were not the last persons who voted in the various precincts of Fleming County; also state whether or not any space intervened between the names of said officers as recorded on said poll-books and the other names recorded as voting, and also state how the names were numbered.—A. Upon examination of the poll-books I find that the officers of the election in the various precincts are the last names recorded on the poll-books. In two of the poll-books, viz, Sherbune, (No. 1,) and Fox, (No. 8,) there is a space of one blank line intervening in each between the names of the other persons and the officers of the election; in the balance of the precincts there is no space intervening. In the Fox precinct there is a blank line running clear across the page, and in the Sherburne precinct, J. T. Stewart voting for President but not for Congress, and the vacancy is filled in the column of names voting for President, and included in the registered votes from 1 to 19, inclusive, on the last page of said poll-book. Also in the Sherburne precinct there are 107 votes recorded for Congress on the last page of the poll-book at the point where the officers of the election have signed their names as voters themselves, which corresponds with their certificate in the back of said poll-book.

Adjourned until to-morrow morning, 8 o'clock.

JAS. E. SMITH,
County Judge.

Poll-book No. 1, Sherburne precinct, is numbered from 1 at the top of each page to the bottom of the same, in consecutive order, and the pages thereafter aggregated, making in all 107 votes. Poll-book No. 2, Mount Carmel precinct, is numbered in the same way, and the pages aggregated at the conclusion of the vote, on the last page, on which the vote is recorded. Poll-book No. 3, Poplar Plains precinct, is numbered from 1 to 286, consecutively. Poll-book No. 4, Hillsborough precinct, is numbered from 1 to 334, continuously, by tens and otherwise. Poll-book No. 5, Tilton precinct, is numbered from 1 to 33, inclusive, on each page, except the last page, which runs from 1 to 5, inclusive. Poll-book No. 6, Centerville precinct, is numbered from 1 to 227, consecutively, and aggregated on the last page by pages, and the aggregate corresponding with the certificate in the back of the book. Poll-book No. 7, Flemingsburgh precinct, is numbered from 1 to 415, consecutively. Poll-book No. 8, Fox precinct, the vote for Congressman is not numbered at all, but the names are registered on three pages, and certified as follows: Grant and Wilson, 89; Greeley and Brown, 4; O'Connor and Adams, 1; Burns, 86; Young, 5. Poll-book No. 9, Elizaville precinct, is numbered from 1, beginning at the top of each page, and running to the bottom of same, consecutively.

Q. Please state how the officers of election in Fleming County, Kentucky, were appointed for the election for Representative in Congress, at the election which was held on the 5th day of November, 1872, and how they were divided politically.—A. The officers of the election held in Fleming County, on the 5th day of November, 1872, were appointed by the Fleming County court. I stated in my examination-in-chief that the sheriffs were, to the best of my knowledge, all democrats, but I now state, in addition, the clerks of the election in each precinct were all republicans, and of the four officers in each precinct, politically they were equally divided.

Re-examined:

Q. Will you give the recapitulation, as made, of the votes for Congressman at Mount Carmel district, No. 2, at the close of the registered votes thereon, after the order there made; and then the number of votes, as certified for each candidate for Congress, as stated thereon?—A. The recapitulation referred to is for President, and not for Congressman, and the vote certified for Congressman corresponds with that certified by the officers of the election in the back of the poll-book.

And further saith not.

A. H. EVANS.

I, James E. Smith, judge of Fleming County court, do certify that the foregoing deposition of A. H. Evans was taken before me, and read to and subscribed by him in my presence, at the time and place and in the action mentioned in the caption, he having been first sworn by me that the evidence he should give in the action should be the truth, the whole truth, and nothing but the truth, and his statement reduced to writing by himself; A. E. Cole, attorney for John D. Young, and William H. Card, attorney for John M. Burns, being present at the examination.

Given under my hand this 15th day of February, 1873.

JAMES E. SMITH,
Judge Fleming County Court.

No. 33.—*Deposition of H. R. Myers, Christopher Ham, William A. Fouch, J. W. Ellington, and Elias Bradley.*

The deposition of H. R. Myers, Christopher Ham, William A. Fouch, J. W. Ellington, and Elias Bradley, taken on the 22d day of April, 1873, at the county court clerk's office, in Rowan County, Kentucky, to be used as evidence in behalf of the contestant, in a matter of contest in the Forty-third Congress of the United States, for a seat therein, in which John M. Burns is contestant, and John D. Young is contestee.

Each of the witnesses being of lawful age, and first duly sworn by me, deposed as follows:

(The contestee, Jno. D. Young, protests and objects to the taking of the depositions of the witnesses named in the caption, on this day, because the taking is within the time allowed by law to the contestee. The contestant took proofs in the city of Maysville, Mount Olivet, Carlisle, and Flemingsburgh, on the 14th of March. The contestee began his proof on the 19th of March, and consequently the forty days will not expire until the 27th of April. I waive no right by cross-examination.)

By contestant, (propounded to H. R. Myers:)

Question 1. State whether or not you were one of the judges of election in November, 1872, held to elect a representative to Congress in the tenth district of Kentucky, and what county and precinct you acted as such for? Answer. I was one of the judges of the election at precinct No. 2, Rowan County, Kentucky, at the election named in the foregoing question?

Q. 2. State whether or not you and all the other persons acting as officers at said election were sworn before acting as such?

(The contestee objects to the question propounded to witness, because the certified oath is the best and only legal evidence.)

A. The officers were all duly sworn before acting as such, myself included.

Q. 3. State whether or not the poll-book returned by said officers contained a true and correct list of all the votes cast for contestant and contestee at said election?—A. Yes, sir; it does.

Q. 4. State whether or not there were any ballots or votes rejected; if so, how many, and whether they were republicans or democrats, and also whether or not they were legal voters?

(The contestee objects to the question propounded to witness, because there has been no proof showing any ballots were rejected by the board at said precinct, and this proof can only come in, if at all, upon rebuttal. Objection sustained.)

James E. Clarke, attorney for contestant, here avows that the answer to question No. 4 by the witness would have been that there were five ballots found in the box when they counted the ballots on the evening of the election with the words "republican ticket for Congress" on them, and that these five ballots were rejected; the witness stated that this would have been his answer.

(The contestee objects to the attorney, J. E. Clark, giving testimony in this cause, because he is not named in the notice of the contestant as one of his witnesses, and because if he had the right to testify, he is not sworn.)

Cross-examined by contestee:

Q. Please state, upon examination of poll-book No. 2, what appears opposite the name of John H. Shrout, and state if his ballot was rejected or not.

I found the following: "After voting, made oath that he did not know the law, and had only been in the State about eleven months; we, the officers, wanted to take the name off of the poll-book, but some of the democrat party objected, said we should not do it, he voted for Grant for President. I do not know who he voted for for Congress."

Re-examined by James E. Clarke, attorney for contestant:

Q. 1. State whether or not there were any ballots rejected in counting the ballots? if so, how many, and for whom they were cast?—A. There were five rejected. I could not tell who they were cast for; there was on them "republican ticket for Congress," without any persons name.

And further saith not.

H. R. MYERS.

Also the deposition of CHRISTOPHER HAM, who, having been first duly sworn, deposed as follows:

By contestant:

Question 1. State whether or not you were one of the judges of election at precinct No. 5, in Rowan County, Kentucky, at the November election 1872, to elect a representative to Congress for the tenth district of Kentucky?—Answer. Yes, sir, I was.

Q. 2. State whether or not all the officers, yourself included, were sworn before acting as such at said election?—A. Yes, sir.

Q. 3. Please examine the poll-book of said precinct now before you, and state whether or not it is the poll-book of said precinct. Also whether or not the list of votes it contains is correct?—A. I have examined the poll-book and find it to be the book returned for said precinct, and the list of votes it contains is correct.

Q. 4. State whether or not all the persons who voted for contestant, John M. Burns, were legal voters of said precinct?—A. I do not know. I don't know who voted for Burns or Young either.

Q. 5. State whether or not you allowed any person to cast a ballot whom you knew not to be a legal voter?—A. I did not.

(The contestee objects to the questions propounded to witness and his answers: 1st, because the records are the best evidence of the oath; 2d, because they are not rebuttal; 3d, because the proof is taken within time allowed to contestee, but waives no right to cross-examine.)

Q. 1. Please state what became of the oath you say you took before you held the election at precinct No. 5?—A. It was after night and the candle gave out. I could not write the certificate of the oath.

Q. 2. You state the vote recorded on said poll-book No. 5 for member of Congress is correct. Will you please state how you know it to be correct?—A. By counting the ballots contained in the box.

Q. 3. Please state how many ballots were found in the box for contestant and contestee?—A. I cannot state the number of ballots now in the box. I have forgotten.

Re-examined by attorney for contestant:

Q. 1. You say that it was night when the candle gave out and you could not write the certificate of the oath. Please state whether or not

it was at the closing of the polls on the night of the election ?—A. It was.

CHRISTOPHER HAM.

Also the deposition of WILLIAM A. FOUCH, who, being of lawful age and first sworn, deposes as follows:

By attorney for contestant:

Question 1. State what office you held at the last November election for Congressman for the tenth district of Kentucky ?—Answer. I was sheriff of the election and sheriff of Rowan County.

Q. 2. For what precinct in said county did you act as sheriff ?—A. At Christy Creek No. 4.

Q. 3. State whether or not the ballot-box containing the ballots cast for Congressman at said precincts was delivered to you to be returned, whether or not you returned it, and what condition it was in when delivered to you as sheriff, and when you returned it ?—A. The box was livered to me to be returned, and I returned it when I received it, there was a piece of paper pasted over it with wax or tar and I carried it in a sack, and when I got to the clerk's office it had come off.

Cross-examined by contestee:

Q. 1. You state you are and were sheriff of Rowan County on the 5th day of November last, and acting as sheriff at precinct No. 4 of said county, and that said ballot-box was delivered to you as sheriff with a piece of paper stuck on the hole of said box with a piece of wax or tar, and it came off, and you delivered said box in said condition to the clerk of said county court. Will you please state for whom you voted at said election for member of Congress ?—A. I voted for John M. Burns.

Q. 2. Do you know of any frauds or intimidation at said precinct No. 4, on the day of election ?—A. I do not.

W. A. FOUCH.

Also the deposition of ELIAS BRADLEY, who, being of lawful age and first sworn, deposes as follows:

By attorney for contestant Burns:

Question 1. State whether or not you were one of the judges of election in Rowan County, Kentucky, at the last November election for Congressman for the tenth district, and for what precinct you acted as such ?—Answer. I was one of the judges of said election for precinct No. 1 of Rowan County.

Q. 2. State whether or not all the persons acting as officers of said election, at said precinct, including yourself, were sworn before acting.—A. I don't remember whether the officers were sworn before they acted or not.

Q. 3. State whether not the poll-book returned by you, for said precinct, contains a correct list of the votes cast for contestant and contestee.—A. As far as I know, it does.

Q. 4. State whether or not the ballots cast were by legal voters of the precinct.—A. They were. If there were any illegal votes I did not know it.

Q. 5. By way of refreshing your recollection I will ask you if you don't remember that James W. Johnson, county court clerk for said county, swore you and the other officers at said election ?—A. I cannot state any more than I have stated.

ELIAS BRADLEY.

Also the deposition of J. W. ELLINGTON, who, being of lawful age and first sworn, deposes as follows:

By attorney for contestant:

Question 1. State whether or not you were one of the judges of election for Rowan County, Kentucky, at the last November election for Congressman for the tenth district of Kentucky, and for what precinct in said county you acted as such.—Answer. I was one of the judges of said election, and acted as such for precinct No. 3, Rowan County.

Q. 2. State whether or not all of the officers of said election, including yourself, were sworn before acting as such?—A. I think they were; I know I was sworn; my recollection is they were all sworn; I would not be positive.

Q. 3. Please examine the poll-book of said precinct now before you and state whether or not it is the book made by you, and also whether or not it contains a true and correct list of all the votes cast at said precinct.—A. This is the book; it contains a correct list of all the votes cast at that precinct, is my recollection.

Q. 4. State whether or not the persons who voted there were legal voters of the precinct.—A. I thought they was.

J. W. ELLINGTON.

STATE OF KENTUCKY,
Rowan County:

I, James Carey, presiding judge of the Rowan County court, do certify that the foregoing depositions of H. R. Myers, Christopher Ham, William A. Fouch, J. W. Ellington, and Elias Bradley were taken before me, and were read to and subscribed by them in my presence at the time and place, and in the action or contest mentioned in the caption, the said witnesses having been first sworn by me that the evidence they should give in the action or contest should be truth, the whole truth, and nothing but the truth, and their statements reduced to writing by me in their presence. The attorney for the contestant (James E. Clarke) and the contestee himself, in person, were present at the examination. Given under my hand this 22d day of April, 1873.

JAMES CAREY,
Presiding Judge Rowan County Court.

No. 34.—*Depositions of Vint Large, L. Lovejoy and Charles Culver.*

The depositions of Vint Large, L. Lovejoy, and Charles Culver, taken on the 24th day of April, 1873, at the office of S. S. Savage, mayor or police judge of the town of Catlettsburgh, in Catlettsburgh, Boyd County, Kentucky, to be read as evidence in behalf the contestant in a certain matter wherein Jno. Burns is contestant, and J. D. Young contestee, for a seat in the Forty-third Congress of the United States.

VINT LARGE, of lawful age, being introduced and sworn according to law, deposes and says:

(Contestee objects to the taking of depositions for want of sufficient notice.)

I was present at the election for Congressmen of the tenth district of Kentucky, held on the 5th day of November, 1872, at Cannonsburgh, Boyd County, Kentucky, and think district No. 3. I saw Mr. Steel

sworn; I heard him called to be sworn; heard the oath administered to him; his name is D. W. Steel; I was sheriff of the election. My best impression is that there was one man who voted for J. D. Young, who had not resided in the State twelve months. He came from Virginia. The man's name is Jone Wright; I saw his ticket before he voted; the ticket he had in his hand had J. D. Young's name on it; I heard him say before and afterwards that he voted for Young, and saw him hand his ticket to the officers of the election; he had a brother living out there; rented from Mr. Gerger a farm.

Cross-examined:

I heard Mr. Steel sworn as sheriff of the election; it was the usual oath administered to the sheriff of an election. My impression is that he came to this place on the 9th or 10th of November, 1871. This impression is made upon my mind by what I heard others say. I understood that he was to come about this time, and heard them say that he had come a day or two before. After the 8th of November, two or three days, I inquired if he had come, and they said he had come about a day or two before the day of this conversation.

Re-examined:

He was a man of family, and moved in less than a mile of my house. I did not see him at the house before I understood he came. Some two or three weeks after his lumber come, my understanding was that his wife and family come. The first time I saw them at the house was in January, 1872, I think.

Re-cross-examined:

He himself had come here before the 8th of November, 1871; probably had rented the place in September or October, 1871. He went back with the intention of returning with his family, I suppose, in the fall.

Attest: S. S. SAVAGE.

his
VINT + LARGE.
mark.

Also CHARLIE CULVER, of lawful age, and being duly sworn, deposes and says:

Question. Do you know of any republican voters of this county who were prevented from voting the republican ticket in November, 1872, by intimidation? If so, state all you know about it, and the number, as near as you can.—Answer. As far as knowing of any one being intimidated, I do not, but a man told me he was kept from going to the polls for fear of losing his position. He said he knew of several other republican voters who were kept from going to the polls. He told me all the democrats were permitted to go, and the republicans were not.

(The contestee objects to what he heard others say about being intimidated. Objection sustained. S. S. SAVAGE, *Police Judge.*)

Q. Were you present at the November presidential and congressional election of 1872, held in Ashland, Boyd County, Kentucky? If so, please say who were the officers of said election—in what district is and was said county? A. I was present at said election. R. C. Calihan, judge; A. B. DeVose, judge; J. M. Rolt, clerk; B. R. Denevaker, sheriff. It is now the 10th district. I do not remember what it was before it was changed.

Cross-examined.

John Lowery is the man's name who was intimidated. He would of

voted for J. M. Burns. He was intimidated by words. He would of only lost his position had he voted.

C. S. CULVER.

LAFAYETTE LOVEJOY, of lawful age, next being sworn, deposes as follows:

I was an officer, viz, sheriff, of the election in district No. 1 of Boyd County, in the tenth congressional district of the State of Kentucky, at the presidential and congressional election held on the 5th day of November, 1872. I know of two ballots at said election being cast out by officers of said election, which were for J. M. Burns.

Cross-examined:

I was present at the count of said ballots, and helped count the ballots. We supposed the two ballots that were thrown out to have been put in by one man, as they were folded up together. It was so agreed by said officers. The officers of said election were equally politically divided.

LAFAYETTE LOVEJOY.

I, S. S. Savage, police judge of the town of Catlettsburgh, Kentucky, do certify that the foregoing depositions of Vint Large, L. Lovejoy, and Charles Culver were taken before me, and were read by me, and subscribed by them in my presence at the time and place, and in the action or matter of contest mentioned in the caption, the said Large, Culver, and Lovejoy having been first sworn by me that the evidence they should give in the action or matter of contest should be the truth, the whole truth, and nothing but the truth, and their statements reduced to writing by me in their presence; each party represented, the contestant, by his attorney, R. C. Burns, the contestee, by G. J. Ewing, a notary public of Catlettsburgh, at the examination.

Given under my hand, as police judge of Catlettsburgh, this the 24th day of April, 1873.

S. S. SAVAGE,
Police Judge of Catlettsburgh, Kentucky.

EVIDENCE OF SITTING MEMBER.

No. 1.—*Agreement as to deposition of C. C. Powers.*

It is agreed by and between John M. Burns and John D. Young that, waiving all forms and requirements of law as to time, notice, place, and all other technicalities, that John D. Young may now, at Brookville, in Bracken County, proceed at once to take the deposition of the Hon. C. C. Powers, judge of the county court of Bracken County, which deposition may be read by either party in the contest between said Burns and Young for a seat in the Forty-third Congress of the United States.

JNO. D. YOUNG.
JOHN M. BURNS.

FEBRUARY 25, 1873.

No. 2.—*Deposition of C. C. Powers.*

The deposition of C. C. POWERS, taken by agreement at the clerk's office in Brookville, Bracken County, Kentucky, on the 25th February, 1873, to be used as evidence for the contestee and contestant, in a certain contest for a seat in the Forty-third Congress of the United States, in which John M. Burns is contestant, and John D. Young is contestee.

By J. D. Young:

Question. Please state your official position you held in the year 1872 and now hold in Bracken County, Kentucky.—Answer. I am now the county judge of Bracken County, Kentucky, and was in 1872.

Q. State who was present on the 8th of November, 1872, at the office of the county court-clerk of Bracken County when the ballots cast for Congressmen in the tenth district of Kentucky and the poll-books were examined and compared?—A. I was present myself, Mr. James Sutherland and Mr. Charles Day, justices of the peace for Bracken County, Kentucky, and we three constituted the board for examining the poll-books of said county in counting the votes in the election of a representative for the tenth Congressional district of Kentucky.

Q. Please examine the Exhibit B, filed by G. B. Paage as part of his deposition, which exhibit is signed C. C. Power, presiding judge, Charles Day, J. P., B. C., and James Sutherland, J. P., B. C., and dated November 8, 1872; and say is the same the act and deed of the said Power, Day, and Sutherland, and, further, tell on what day it was executed.—A. The exhibit marked B, filed in the deposition of G. B. Paage, signed by C. C. Power, presiding judge, Charles Day, J. P., B. C., and James Sutherland, J. P., B. C., and dated November 8, 1872, is the act and decree of the said Power, Day, and Sutherland, and was executed the day it bears date.

Adjourned to meet at 1 o'clock p. m.

Attest:

JAMES W. STATON,
Examiner, Bracken County.

Q. Were the ballot-boxes in the clerk's office on the 8th day of November, 1872, and were the ballots for members of Congress, viz, J. M. Burns and J. D. Young, all taken from the respective ballot-boxes, and counted by you, Day, and Sutherland, on that day?—A. The ballot-boxes were all in the clerk's office on the 8th day of November, 1872, and the ballots for member of Congress, J. D. Young and J. M. Burns, and all the ballots for each, were taken out of their respective boxes on that day and counted by myself, and Chas. Day, J. P. B., and James Sutherland, J. P. B.

Q. Was George B. Paage, the county court clerk, present at the counting of the ballots; and if not, where was he on that day?—A. George B. Paage, the county clerk, was not present on that day. He left Bracken County the day before the November election, to attend the Harrison circuit court as a witness under a subpœna from that court. He did not return to Bracken County before the 10th or 11th of November.

Q. Was G. L. Bradford, the then sheriff of Bracken County, present when the ballot was counted, and, if not, was he in Brookville on that day, or was he in the county of Bracken on that day?—A. George L. Bradford, the sheriff of Bracken County, was not present during the counting of

the ballots, and was not present in Brookville on that day until about 3 or 4 o'clock in the afternoon of that day.

Q. Had the county officers who on that the said 8th of November, 1872, finished the counting of the ballots before George L. Bradford reached Brookville?—A. They had finished the counting before Mr. Bradford, the sheriff, arrived in Brookville.

Q. What are the names of the two justices of the peace residing nearest to the county-seat on the 8th of November, 1872?—A. Charles Day and James Sutherland were the two justices of the peace for Bracken County, residing nearest Brookville, the county-seat.

Q. In examining the ballot-boxes and taking from them ballots, how did you proceed to count them; in mass, or separately?—A. In counting the ballots we counted each box separate; that is, the ballots.

Q. Please state how many ballots you found in each box for John M. Burns and how many for John D. Young; state the result of your count as to each box; and if you rejected any ballots for either of the persons named, state the reason why they were rejected, and the box from which they were taken; state separately.—A. In district No. 1, we found 223 ballots for John D. Young, two of which we rejected because the voter had on one of the tickets the name of J. D. Young and under the name of the candidate his own name, and on the other the name of J. D. Young and under the name of Young, "for Congress." We found 134 ballots for John M. Burns, four of which we rejected because the word, or prefix, "Hon." preceded the name of John M. Burns. In district No. 2, we found 101 ballots for John D Young, and 59 for John M. Burns, none of which were rejected. In district No. 3, we found 297 ballots for John D. Young, and 609 for John M. Burns, none of which were rejected. In district No. 4, we found 102 for John D. Young, and 51 for John M. Burns; four for Burns we rejected because the prefix of "Hon." preceded the name of John M. Burns. In district No. 5, we found 108 ballots for John D. Young, one of which was rejected because the ticket had the name of John M. Burns marked out and the name of John D. Young written beneath it; we found 94 ballots for John M. Burns, 29 of which was rejected because one ballot had the name of John D. Young on one side marked off and the name of John M. Burns written on the other; the other 28 were rejected because the prefix "Hon." preceded the name of John M. Burns. In district No. 6, we found 64 votes for John D. Young, and 56 for John M. Burns, none of which were rejected. In district No. 7, we found 80 ballots for John M. Burns, and 72 for John D. Young, none of which were rejected.

Q. In what condition did you find the ballot-boxes of each of the seven precincts of Bracken County, when the board of canvassers came to count the ballots?—A. We found the ballot-boxes in the clerk's office of the Bracken County court and in the custody of the clerk, and they were delivered to us by the deputy clerk of the Bracken County court, Mr. James M. Humlony, and each was locked and carefully sealed, with the poll-books and ballots on the inside, that is, the ballot-box and poll-books for each district were delivered to us in that condition.

Q. Do you know when each of the ballot-boxes were delivered to the clerk or his deputy?—A. I do not.

Q. Have you counted the number of voters' names recorded on each poll-book, and can you now state any discrepancy between the votes registered on any or all the poll-books, as between the number of ballots found in the ballot-box or boxes, and the registered vote on the poll-books?—A. I have counted the number of names upon each poll-book, and find in district No. 1 ten or twelve more names who voted for member of

Congress than there is ballots in the ballot-box. In district No. 5 I find three more names on the poll-books than there are ballots in the ballot-box; and in district No. 3 I find two more names on the poll-books than there are ballots in the ballot-box. The remainder I found no discrepancy in; I found no discrepancy in the number of ballots in each box at the time I compared the polls, but I find a little discrepancy now.

Q. Do you know of any fraud or irregularity occurring at any of the precincts in the county of Bracken, at the election held in said county on the 5th of November, 1872?—A. I do not.

Q. Are you now the acting commissioned judge of the county of Bracken?—A. I am.

Cross-examined by contestant.

Q. At the time you and the two justices were engaged in counting the vote of Bracken County, was the deputy clerk of Bracken County court present? If yes, name him.—A. The two deputies that stay in the office were here in the office at the time myself and justices named in the former part of my deposition were counting the ballots, and their names were James H. Humlony and A. G. Woodward. I am sure the former was present, and think the latter was present.

Q. Please state if any one of the deputy sheriffs of Bracken County was present at the time you and the justices were engaged in counting the vote of Bracken County? If yes, name them.—A. None of the deputy sheriffs were present to my knowledge; that is, I did not see them if they were.

Q. Where did the deputy sheriffs of Bracken County reside, how far from the court-house; were they absent from the county of Bracken when you compared the polls; was any one who acted for the sheriff at the election, on the 5th November, 1872, present? Please name them. —A. One of the deputy sheriffs of Bracken, at the time we compared the polls, lived about five miles from the court-house and the other deputy lived about nine or ten miles. No one who acted for the sheriff on the 5th day of November, 1872, at the election, was present. Where the deputies were when we compared the polls I do not know.

Q. Who acted as sheriff at this place in Brookville, the county-seat of Bracken County, on the 5th November, 1872, at the election? Name him, and state where he lived on the day you compared the polls?—A. Robert Ellis was sheriff of the election at this place, in the town of Brookville, the county-seat of Bracken, on the 5th day of November, 1872, and resided in Brookville at that time, and resides here now.

Q. What did you do with the ballots you rejected for contestants? Were the ballots on white paper written or printed?—A. We left them in the ballot-boxes; that is, the ballots rejected for each district were left in the ballot-box for that district, and left them in the clerk's office of the Bracken County court. They were printed on white paper.

Q. Please state if you know in what condition each poll-book and ballot-box was in when received by the clerk.—A. I do not.

Q. Please state if any mistake was made in the addition of the votes of Bracken County in favor of contestee, and against contestant. If so, state what it was.—A. I do not know of any mistake having been made in the addition of the votes in favor of contestee, and against contestant; but am sure at the time we counted the votes there was a ballot for every vote we counted. If we made any mistake in the addition, I am not aware of.

Q. Please state if the number of votes certified by you and the two justices on the comparison of the polls of Bracken County, for contestee,

does not exceed the number of votes certified by the precincts of the county; if so, how many?—A. The number of votes certified by myself and the two justices named in the former part of my deposition exceeds the number of votes certified by the districts or precincts of the county by 8 for contestee.

Q. Please add to this 8 of an excess you counted and certified for contestee, to those you rejected of his, and state how many more the two shows, more than were certified by the various precincts of said county of Bracken?—A. It shows or makes 11.

Q. Please state if the ballot-box and poll-book of district No. 5, of Bracken County, was not unsealed when you received them from the clerk on the 8th November, 1872.—A. If it was unsealed, I do not know it or remember it.

Q. Please state who broke the seals of the various poll-books and ballot-boxes, when you compared the poll or vote of Bracken County?—A. I broke the seal of some of the ballot-boxes, and the two justices acting with me broke the seals of some of them, but think I broke the most of them. The poll-books were inside the ballot-boxes and were not sealed.

Q. Please examine each poll-book from one to seven, inclusive, and state if there is any certificate on the leaf or leaves of any one of said books; state if the certificate to each is not fastened to the backs of said books with mucilage?—A. I have examined the poll-books of each district from one to seven, and find the certificate of each upon the inside of the last leaf of each poll-book, and whether or no it is fastened with mucilage, I am unable to say.

Adjourned to meet at 8 o'clock a. m., February 26th, 1873.

JAMES W. STATON, *Examiner, Bracken County.*

FEBRUARY 26th, 1873.

Met pursuant to adjournment, and proceeded with deposition of C. C. Power.

Attest:

JAMES W. STATON, *Examiner, Bracken County.*

Question. Is the certificates on the fly-leaves at the back of the poll-book? Has the poll-books backs on them, what are the backs mode of, and are all the certificates on the backs or coverings of each book?—Answer. The certificates are on the back leaf of the poll-books, on the inside. The poll-books are fastened together with heavy twine or thread. The poll-books have backs to them, and are made of heavy paper, and all the certificates are on the back of said poll-books, as I have heretofore said, on the inside.

Q. Please state if the sheriff or some of his deputies does not visit the clerk's office daily, Sundays excepted, and was not such their habit in November, 1872?—A. The sheriff and his deputies were, as a general thing in the habit of visiting the clerk's office daily, Sundays excepted, and such was their habit in November, 1872, but sometimes they did not make their daily visits.

Q. Please state where Erelias B. Frank lives, what is his age, and who did he vote for for Congress, in November, 1872. Also, state where the family of P. J. Buffington lives where he voted, and who he voted for.—A. Erelias B. Frank lives in Brookville, Bracken County, Kentucky; how old he is I do not know, and do not know who he voted for for Congress in November 1872. The family of P. J. Buffington lives

in Germantown, Kentucky, either in the Bracken County end of said town or the Mason County end of said town. I do not know which Germantown is partly in both counties. He voted, that is his name was on a ballot in the ballot-box for J. D. Young, and the ballot was excluded; whether or not Buffington put the ballot in the ballot-box or had it put there as his ballot, I cannot say; upon reflection, I think some of the poll-books were sealed.

C. C. POWER.

STATE OF KENTUCKY,
County of Bracken:

I, James W. Staton, examiner for Bracken County, do certify that the foregoing deposition of C. C. Power was taken before me, and was read to and subscribed by him in my presence, at the time and place, and in the action mentioned in the caption, the said C. C. Power having been first sworn by me that the evidence he should give in the action should be the truth, the whole truth, and nothing but the truth. and his statements reduced to writing by him in my presence; the contestant, by himself, and the contestee, by himself and his attorney, Joseph Doniphan, being present at the examination.

Given under my hand this 25th day of February, 1873.

JAMES W. STATON,
Examiner, Bracken County, Kentucky.

No. 3.—*Deposition of John S. Patten.*

The deposition of JOHN S. PATTEN, taken at the clerk's office in Warfield. in the county of Martin, and State of Kentucky, on the 19th day of March, 1873, to be used as evidence in a certain matter of contest before the Forty-third Congress of the United States, in which John M. Burns is contestant and John D. Young is contestee, the same to be used on the part of the contestee.

Question. Please state your name, age, and residence.—Answer. My name is John S. Patten. My age is past 25; and —— ——— near Warfield, Martin County, Kentucky.

Q. Please state the names of those composing the board of examiners for comparing the vote of said county at the November election, in 1872. and their political status.—A. James Step, Philip Cassady, and James D. Kirk; 1st, county-judge; 2d, sheriff; 3d, county-court clerk, all of whom are republicans.

Q. Please examine the ballot-boxes now before you that were used in said election; and say whether they have lids working on hinges with locks and keys to them or not?—A. I now hold one of them in my hand. The lid is not affixed to the box by hinges, and it has no lock. and it had none at the time of the election, and they are all alike, No. 1. 2, 3, 4, and 5.

Q. Please examine the holes in the tops of said boxes, and state how many of them have the appearance of having been sealed?—A. Four of them show plainly that they have been sealed; the others have no appearance of it that I can see.

Q. Please examine the poll-books, and state if they have any appearance of having been sealed, and state whether they are on separate

sheets of paper, entirely detached from the poll-books of those voting for presidential electors.—A. They have no appearance of having been sealed. They are on separate sheets of paper from the poll-books for the presidential electors.

Q. Please examine the poll-books Nos. 1, 2, 3, 4, and 5, and state the vote for contestee and contestant on each. How many have the certificates of the officers of the election precincts attached and how many loose, and if there is any certificate showing that said officers were sworn?—A. Precinct No. 1, contestee received 23 votes, contestant received 42 votes. The certificate of the officers conducting the election is not attached to the poll-books. There is another certificate by the officers who conducted the election of poll-book No. 1, certifying that the number of votes cast at said precinct was 65. This certificate is attached to poll-book No. 1. There is no certificate that I have seen, showing that the officers of said election were sworn, except their own certificate. They state in that that they were sworn. The poll-book No. 2 is on a separate piece of paper like No. 1. The certificate of the officers conducting the election is detached, and shows that the contestee received 2 votes and the contestant received 19 votes. Poll-book No. 3 is on a separate sheet of paper like poll-books Nos. 1 and 2. There are two certificates, both attached. They show that contestant received 33 votes, and John D. Young, contestee, none. There is also a sheet of paper, which purports to be a poll-book No. 4, with numbers on it, beginning at 1 and counting up to 34. There is an instrument of writing attached to it, purporting to be a certificate assigned by John Davis, Elias B. Mullett, Alexander Cassady, and James Crum, which certifies that contestant, at precinct No. 4, received 34 votes and contestee 2 votes. There are no voters' names on the poll-books. There is also a certificate, (not attached,) showing that above their signatures and certificates that contestant received (seems to be) 32 votes, contestee 2 votes. Poll-book No. 5 is on a separate sheet of paper, like No. 1, 2, 3, and there is a certificate attached to it, and certifies that the number of votes cast for contestant is 52 and none for contestee. There is also a detached certificate, which shows that contestant received 52 votes and contestee none.

Q. Please state how the officers of the election at the different voting precincts were politically divided.—A. At district No. 1 one of the officers was a democrat and the other three were republicans. At district No. 2 there were two democrats and two republicans. District No. 3, two are radicals; the other two I do not know their politics. District No. 4, I think that two are democrats and two republicans. District No. 5, I think that two are democrats and two republicans.

Q. Please examine poll-books Nos. 2 and 4, and state whether or not they are signed by the clerk of the election.—A. No. 4 is only assigned below the certificate by the clerk. No. 2 is not assigned by the clerk, only to the detached certificate.

Q. Please make a duplicate of the ballots cast for the contestant, showing what was written or printed on them.—A. The tickets used for John M. Burns at district No. 1 the following was printed on them: "For Congress, tenth district Kentucky, Hon. John M. Burns, of Boyd." This was printed on all the tickets that I have seen that were used in this county for Mr. Burns; and in district No. 4, in addition to the above, which was printed, the voters' names were written on all the tickets for Burns.

Q. Please state the number of ballots cast for contestant at precinct No. 4.—A. There are 32 tickets for contestant.

Q. Please state the number of votes certified for contestant in the cer.

tificate attached, and the number certified in the certificate loose in poll-book No. 4, and state whether any name at all appears upon said poll-book as having voted.—A. The certificate attached to poll-book No. 4 shows that John M. Burns, contestant, received 34 votes. The loose certificate, or the instrument already referred to by me, purporting to be a certificate, shows above the certificate 32 for contestant. No name appears on said poll-book as having voted.

Q. Please state the number of votes or ballots cast in the county of Martin for contestant, the number for contestee, and contestant's majority?—A. The certificate of the board of examiners, viz, James Step, county judge; Philip Cassady, sheriff, and James D. Kirk, clerk of the county court, shows that contestant received 178 votes and contestee 27 votes. Contestant received 151 votes more than contestee.

Cross-examined by contestant:

Q. Please state if you are a clerk, or a deputy clerk, sheriff, or deputy sheriff, or county judge of Martin County?—A. I am neither.

Q. Please state if you know the condition of any one of the poll-books or the ballot-boxes when received by the clerk of Martin County court, for the November election, 1872?—A. I do not know what their condition was at that time.

Q. Please state, if you know, whether they were sealed or unsealed at that time?—A. I do not know.

Q. Please state how the ballot-boxes are constructed and fastened?—A. There is a heavy groove on each side of the box, with a tongue on each side of the let that fits in the groove of the box from end to end, and it is fastened at one end by a screw about one and one-half inches long, at the end where the lid enters.

Q. Please state if the boxes are strong and substantial and well made?—A. I would take them to be so.

Q. Please state if the certificates accompanying such poll-books, from one to five inclusive, do not show on their face that the officers at each precinct were sworn before they acted?—A. I think they do.

Q. Please state, if you know, the reason why the boxes did not have locks and keys to them?

(The contestee objects to the question propounded to witness as not pertinent to the question in this case. Objection withdrawn.)

A. I do not know.

Q. Please state if contestant has offered to allow, by agreement and without notice, James D. Kirk, the county court clerk, and James Step, the county judge of Martin County, to be examined as to the true condition the poll-books and ballot-boxes were in at the time they were received by said clerk?

(Question withdrawn, as contestee consents to the examination of Kirk, the clerk.)

Q. You have stated that poll book Nos. 2 and 4 was not signed by the clerk of the election. Is there but one sheet of legal cap paper in each poll-book?—A. There is but one sheet in each poll-book except the loose paper, or loose certificates. The poll-books are not assigned by the clerk, except to the loose certificates accompanying the poll-books.

Q. Please examine ballots cast for contestee at precinct No. 4, and duplicate them and make them a part of your deposition.—A. There are two tickets for contestee, both prepared on small pieces of paper; one in this language, "For Congress, the Hon. John D. Young," and assigned Shadrick Ward. The other in the following language, "For Congress, John D. Young, of Bath County," and written on the back, John Davis.

Q. Please state, if you know, whether the names which now appear in writing on the ballots of contestant were put on them before they were voted or deposited in the box, or afterwards.—A. I do not know when; whether the names were put on before or after they were voted.

Q. Please state if you know of any one or more persons being intimidated by Ku-Klux, or such organizations, or reported organizations, from voting for contestant.—A. I do not.

Re-examined:

Q. Please state if you saw the ballot-boxes before they were sent out to the different voting precincts, and examined them then; and, if so, did they have any other fastening other than you have spoken of?—A. I think I saw them before they were sent out. I did not examine them, but I am very sure they had no other fastening only as I have already described.

Q. You state there is but one sheet of legal cap paper in poll-books Nos. 2 and 4. Now state how many pages there are on each of them.—A. There are four pages.

And further the deponent saith not.

JOHN S. PATTEN.

By agreement between contestee and contestant, the deposition of John S. Patten was taken before Mark Dempsey, examiner of Martin County, Kentucky, in the place of Judge James Stepp, who was absent on this day, this 19th March, 1873.

JOHN M. BURNS.
JNO. D. YOUNG.

STATE OF KENTUCKY,
Martin County, sct:

I, Mark Dempsey, examiner for the county of Martin, within the State aforesaid, do hereby certify that the foregoing deposition of John S. Patten was taken before me on the 19th day of March, 1873, at the clerk's office in Warfield, in the county of Martin, and State of Kentucky, the time and place, and in the matter of contest mentioned in the caption, the said John S. Patten having been first duly sworn by me before he gave his testimony, that the evidence he should give in the contest should be the truth, the whole truth, and nothing but the truth; that his said testimony was written, read to, and subscribed by him in my presence, and that his statements were reduced to writing by me in his presence, the contestant and contestee being present at the examination.

Given under my hand this 19th day of March, 1873.

M. DEMPSEY,
Examiner for Martin County, Kentucky.

No. 4.—*Notice to take depositions.*

Mr. JOHN M. BURNS: You are hereby notified that I will attend at the county court clerk's office, in Martin County, Kentucky, on the 19th day of March, 1873, and proceed to take the depositions of Philip Cassidy, John Patten, and Mark Dempsey, residents of said county, before his honor James Stepp, county judge of said county; and on the 26th day of March, 1873, at the clerk's office in Carter County, Kentucky,

before James Botts, examiner of said county, C. N. Lewis, Jonathan Davis, and Elias Davis, all residents of said county; and on the 2d day of April, 1873, at the county court clerk's office in Greenup County, Kentucky, before A. L. Reid, county judge, take the deposition of John D. Russel and Geo. A. Scrum, all residents of said county; and on the 9th of April, 1873, at the county court clerk's office in Rowen County, Kentucky, before James Cary, county judge of said county, take the deposition of James Johnson, clerk of said county; and will continue at each place from day to day until the same is completed. Said depositions to be used and read as evidence in my behalf before the Committee on Elections in the contest now pending before said committee for a seat in the Forty-third Congress of the United States of America, wherein you are the contestant and I am the contestee; at which time and place you are notified to attend if you choose.

JNO. D. YOUNG.

No. 5.—*Deposition of Elias P. Davis.*

The deposition of ELIAS P. DAVIS, taken at the clerk's office of Carter County, on the 26th day of March, 1873, to be read as evidence in a contest before the Congress of the United States, in which John M. Burns is contestant, and John D. Young is contestee, for a seat in the Forty-third Congress from the tenth congressional district, in the State of Kentucky, taken by contestee.

Question. Please state your name, age, residence, and occupation.

(The contestant objects and excepts to the taking of the deposition of E. P. Davis before James Botts, examiner of Carter County, because he is not such officer as is authorized to take proof in contested election cases as are provided for by acts of the Congress of the United States. Objection overruled.—J. R. BOTTS, *Examiner County Court.*)

Answer. My name is Elias P. Davis. I am sixty-three years of age last February. I reside in the town of Grayson, Carter County, Ky. I am clerk of the county and circuit courts for Carter County.

Q. Please state whether the poll-books, when delivered to you as clerk, were sealed; whether they are on separate sheets of paper, or compose part of the poll-books of those voting for presidential electors —A. The poll-books when delivered to me were not sealed. They were placed in the boxes loose. The boxes were locked. They were on separate poll-books; one for presidential electors, and one for members of Congress.

Q. Please examine poll-book No. 2, and state if it is signed by the clerk where the certificate is attached, and the vote received by contestant and contestee attached at said precinct.—A. That poll-book is not signed by the clerk. The certificate is on the opposite page to the poll-book on the same book that is signed by the clerk of the election at that place. John M. Burns, contestant, received 81 votes at that precinct, and contestee received 21 votes at that precinct, according to the statement of the certificate. I do not recollect whether the vote counted out that when counted by the examining board or not. The best of my recollection is that they did.

Q. Please examine poll-book No. 4, third part of fourth district, and state if there is any certificate on said book at all, and whether it is also on separate sheets of paper, and the number of votes cast at said pre-

cinct for contestant and contestee.—A. There is no certificate upon it. I never saw any. I did not handle the poll-book when the polls were compared. The sheriff Neithercut handled the poll-book. That poll-book is on separate book from the presidential vote. Contestant received 38 votes, and contestee received 9 votes at that precinct.

Q. Please examine poll-book No. 8, and state whether it is also separate from the presidential book; whether it has any certificate, and the number of votes received by contestant and contestee at said precinct. —A. It is separate from the presidential poll-book. There is no certificate on it or attached to it. Contestant received 54 votes at that precinct, and contestee received 30 votes at that precinct.

Q. Please examine poll-book No 7, Mount Savage precinct, and state where the certificates appear on said book, and the number of votes received respectively for contestant and contestee.—Answer. The certificate on poll-book at that precinct is on the opposite side of the second page from where the record of the voters' names stops, which leaves one blank page between the end of the voters' names and the certificate. At that precinct contestant received 52 votes, and contestee received 45 votes.

Q. Please state if the clerk's name appears officially at the foot of each leaf or page, and is or is not that poll-book separate from the presidential poll-book?—A. The name of the clerk of election does not appear officially at the foot of either page of that poll-book. That poll-book is separate from the presidential poll-book. The signature of the clerk appears at the heading of that poll-book, and to the certificate officially.

Q. Please examine poll-books Nos. 2, 4, 7, and 8, and state whether there is any certificate showing that the officers were sworn before they acted as such officers of election.—A. There is no certificate of any officer swearing the officers of the election at either of those precincts upon the poll-books. The certificate of the officers at No. 2 states that they were sworn.

Q. Please state the number of votes received for contestant in this county, and state how many ballots of that number had other words besides the name of John M. Burns written or printed on them; make a duplicate of the ballots, mark it and make it part of your deposition.—A. John M. Burns received 560 votes. The principal part of them were printed in the following form:

"FOR CONGRESS,
Tenth District Kentucky,
Hon. JOHN M. BURNS,
Of Boyd."

The above is a duplicate of the principal part of the ballots cast for contestant, and I make the same a part of this deposition.

The contestant not waiving the exception taken at the commencement of the taking of this deposition, but relying on the same, asks the following questions under protest:

Cross-examined:

Q. State, Mr. Davis, if the poll-books of each precinct in this county came to your possession under lock and sealed in the ballot-boxes of each precinct, from 1 to 11 inclusive.—A. The poll-books of each voting-place came into my possession inside of the ballot-boxes, which were locked, and opening sealed with a piece of wood fastened on the under side, or inside of the opening, with two iron screws. In this condition they remained in my possession until we met and opened them for comparing the polls.

Q. Please state if the clerk's name at the election in district No. 2 does not appear both at the end of the list of names of those voting for Congressman, and at the foot of the certificate. State who was clerk at said precinct.—A. S. I. McGlaw was clerk at that precinct, and his is the last name in the list of voters, and also appears at the foot of the certificate, officially.

Q. Can you state that no certificate accompanied the poll-book No. 4 when it came to this, your office?—A. I cannot state that none did come with them, but I never saw it if it did.

Q. Please state if the certificates accompanying most of the poll-books of this county (Carter) were not on separate pieces of paper, and could have been lost out of the same; also state if the poll-books was first handled by the sheriff and county judge on the day of comparison and not by you?—A. There were three certificates that were not fastened to the poll-books. The balance were fastened to the poll-books. Nos. 4, 6, and 4, were not fastened. When we compared the polls I unlocked and opened the ballot-boxes, and the sheriff took out the poll-books and handled them. I kept the memorandum as they were examined by the sheriff. The county judge did not participate in comparing the polls. The certificate being loose might have got out by accident, but it would have been a great accident for it to have done so.

Q. You have stated that no certificate was on the poll-book of precinct No. 8. Now state if a certificate in due form did not come in the same box with the poll-book locked, &c., giving the true number of votes given for contestant and contestee, and is said certificate signed by the genuine signatures or handwriting of the officers of said precinct?—A. There was a certificate in the ballot-box from that precinct showing the true number of votes received at said precinct by contestant and contestee. That certificate was written by Henry Easterling, clerk. Pleasant Norton, I think, cannot write his name. I am not sufficiently acquainted with the signature of Joseph Norris and Benjamin Walk to state whether it is their genuine signature or not. The signature of Henry Easterling is genuine, and it all looks like the same handwrite. I cannot say whether it is or not.

Q. Please state if the genuine signatures of the judge's clerk and sheriff of the election of precinct No. 7 appear to the certificate of said poll-book, and state if the name of each voter on said book is not in the handwriting of Wiley Prichard, the clerk of said election.—A. The signatures of Wiley Prichard and H. T. Stewart to the certificate are genuine. The handwriting of William B. Falkner and Rufus Coburn I am not sufficiently acquainted with to know whether they are genuine or not. The names of the voters on the poll-books all seem to have been recorded by the clerk, Wiley Prichard.

Q. Please state the number of votes contestee received in Carter County, Kentucky.—A. Four hundred and twenty-seven.

Q. You will please state the name of the voting-place in precinct No. 6, of Carter County, and then examine the certificate accompanying the poll-book of said precinct, and state where it certifies the election was held on 5th November, 1872.—A. The name of the voting-place in that district is the Maddock's school-house. The certificate accompanying the poll-book for that precinct on the 5th November, 1872, shows that the election held at the school-house near John Maddock's.

Q. Please state if there is any certificate on or attached to said poll-book, and also state if the heading on said book does not show the voting-place at John Maddock's house.—A. There is none on or attached to said poll-book. The heading on the poll-book does state that it was

held at John Maddock's house, but that was my mistake in indorsing the poll-book for that place. It is in my own handwrite.

Re-examined:

Q. Please state if the name of S. J. McFlim appears upon the poll-book No. 2 at the end of the list as a voter and not officially.—A. It is signed there under the list of voters or as the last vote, but not officially.

Q. You state that a certificate came in the ballot-box No. 8, in the proper handwriting of Henry Easterling, clerk. Now please state if the whole of said certificate and the names of the officers are not all in the same handwriting. Is not the certificate written on the presidential poll-book?—A. The certificate and signatures, I think, are all in the handwriting of Harry Easterling, the clerk of the election at that place, and is written on the poll-book for presidential electors.

Q. Please state if the certificate you speak of above is not written at the bottom of the sheet, the top or near one-half having been torn off, leaving the word "received" not torn off, and do you know what was written on that part torn off?—A. It is written on the bottom of page, near one-half of it having been torn off, leaving the word "received" above the certificate; what that may have been part of I do not know.

Q. Has or has not the clerk signed officially at the foot or bottom of each page, under the names of those recorded upon as voters, on poll-book No. 6, and does not the certificate certifying the number of votes cast at said precinct accompany said poll-book?—A. The clerk has officially signed the foot of each page of said poll-book of said precinct, and the certificate which came in the ballot-box correctly certified the number of votes received by contestant and contestee.

Q. Was the county judge present at the time you compared the polls of this county last November?—A. He was not.

Re-cross-examined by contestee:

Q. Please state if a certificate made by the officers of the election in November, 1872, for Carter County does not accompany each poll-book of said county from No. 1 to No. 11, inclusive, giving the number of votes or ballots received by contestant and contestee?—A. There did such certificate accompany each poll-book, except for district No. 4; of that I have spoken heretofore.

Q. Is there now a certificate in your custody and in the box with the book of No. 4, signed by the officers of the election of that precinct, giving the true number of votes cast therein for contestant and contestee?—A. There is a certificate purporting to be a duplicate of the certificate for that voting-place, signed by the officers of election for that voting-place, giving the correct number of votes received by contestant and contestee. The certificate is in the handwrite of the clerk of election at that place.

Re-examined:

Q. Please state if the certificate above spoken of has not been sent to your office since the 17th day of February last, and since I, the contestee, made a personal examination of said books? And are not all the names affixed to said certificate in the handwriting of the same person?—A. It has been sent to me since that time. The certificate is in the handwrite of William B. Powers, the clerk, and the signature purporting to be his is his genuine signature. The balance of the signatures are signed by the same ink and appear to be the same handwrite of the certificate. I am not sufficiently acquainted with the sig-

natures of Squire V. Holbrook, James Johnson and Thomas H. Glover, to state whether it is their genuine signatures or not.

Q. Please state if you were present on the 17th of February last, and was the contestant John M. Burns, also present here?—A. I was here about that time, and the contestant, John M. Burns, was also present that day.

Q. If you know what he was here for, please state it.—A. He was here for the purpose of taking depositions in this case. The judge did not come and no depositions were taken.

Contestant again cross-examined the witness:

Q. Mr. Davis, you will please examine again poll-book of district No. 6, and state if the certificate accompanying the same is signed by the judges and sheriff in their own proper handwriting, and state if you know in whose handwriting the signatures are in.—A. The certificates and signatures are all in the handwriting of David B. Craig, the clerk of the election. I am well acquainted with the handwrite of David B. Craig, A. J. Kitchen, and John Madocks.

Q. Is there any certificate in the poll-book anywhere or accompanying the same that shows any of the officers of said election were sworn before they acted as such?—A. There is not.

E. P. DAVIS.

STATE OF KENTUCKY,
Carter County, ss:

I, James R. Botts, examiner for Carter County, do certify that the foregoing deposition of Elias P. Davis was taken before me, and was read to and subscribed by him in my presence at the time and place and in the contest mentioned in the caption. The said Elias P. Davis having been first sworn by me that the evidence he should give in the contest should be the truth, the whole truth, and nothing but the truth, and his statements reduced to writing by me in his presence. The contestant and contestee both being present at the examination.

Given under my hand this 26th day of March, 1873.

J. R. BOTTS,
Examiner for Carter County.

No. 6.—*Notice to take depositions.*

Mr. JOHN M. BURNS: You are hereby notified, in addition to the witnesses heretofore named in a former notice, I will take the depositions of Chas. E. Reid, a citizen and resident of Greenup County, at the county court clerk's office in Greenup, on the 2d day of April, 1873; and on the 16th day of April, 1873, at Vanceburgh, Lewis County, Ky., before J. R. Garlemo, county judge of said county, take the depositions of J. P. McAndrews, J. A. Sparks, R. B. Lovell, Aaron Hamlin, S. B. Pugh, and R. H. Fisher, all residents of said county, and will continue from day to day at each place until the same is completed.

Said depositions to be used and read in my behalf in a contest now pending for a seat in the Forty-third Congress of the United States, wherein you are the contestant and I am the contestee. At such times and places you may attend, if you choose.

JNO. D. YOUNG.

No. 7.—*Notice to take depositions.*

Mr. JOHN M. BURNS: You are hereby notified I will attend at the county court clerk's office, in Martin County, Kentucky, on the 19th day of March, 1873, and proceed to take the depositions of Philip Cassady, John Patten, and Mark Dempsey, residents of said county, before his Honor Jas. Step, county judge of said county; and on the 26th day of March, 1873, at the clerk's office of Carter County, Kentucky, before Jas. Botts, examiner of said county, C. N. Lewis, Jonathan Davis, and Elias Davis, all residents of said county; and on the 2d day of April, 1873, at the county court clerk's office in Greenup County, Kentucky, before A. L. Reid, county judge, take the depositions of John D. Russell and George A. Corum, all residents of said county; and on the 9th of April, 1873, at the county court clerk's office in Rowan County, Kentucky, before James Cary, county judge of said county, take the deposition of James Johnson, clerk of said county, and will continue at each place from day to day until the same is completed. Said depositions to be read and used as evidence in my behalf before the Committee on Elections in the contest now pending before said committee for a seat in the Forty-third Congress of the United states of America, wherein you are the contestant and I am the contestee. At which times and places you are notified to attend, if you choose.

JNO. D. YOUNG.

No. 8.—*Deposition of George A. Corum.*

The deposition of GEORGE A. CORUM, taken on the 2d day of April, 1873, at the county court clerk's office in Greenup County, Kentucky, pursuant to annexed notices, and to be read in an action between John M. Burns, contestant for a seat in and as a member of the Forty-third Congress of the United States of America against John D. Young, contestee; said deposition is taken in behalf of contestee, John D. Young.

Witness being of lawful age, and first sworn, says:

Question. Are you the clerk of the Greenup County, Kentucky, court and the keeper thereof of the records?—Answer. I am.

Q. Are the poll-books and ballot-boxes used in the election held in Greenup County, Kentucky, on the 5th day of November, 1872, for Congressman in the tenth Kentucky district, and for a seat in the Forty-third Congress of the United States of America, now in your possession as clerk of the Greenup County court?—A. They are.

Q. By whom were said ballot-boxes and poll-books delivered to you?—A. I do not remember by whom they were delivered.

Q. Were the ballot-boxes all sealed at the time of their delivery to you?—A. When they were brought into the office they were not all sealed.

Q. Do you remember the number of the precinct or precincts whose boxes were brought to the office unsealed?—A. I do not.

Q. Do you remember the number of votes received by John M. Burns and John D. Young respectively at the precinct or precincts whose ballot-boxes were brought to the office unsealed; were the boxes sealed after leaving the precinct at which they were used in receiving ballots, and were they sealed in your presence; if so, were you an officer of the election at

either of the precincts to which either of said ballot-boxes belonged?—A. I do not remember the number of votes received by John M. Burns and John D. Young respectively at the precinct or precincts where ballot-boxes were brought to the office unsealed. There were some of the ballot-boxes, a very few, sealed after they left the precinct at which they were used in receiving ballots. They were sealed in my presence, and by me, before I took charge of them. I was not an officer of any precinct election whatever.

Q. Please give the number of votes received by John M. Burns and John D. Young in the county, respectively; what was the majority of Burns in the county?—A. John M. Burns received 866 votes; John D. Young received 525 votes; making Burns's majority 341 votes.

Q. Are the poll-books used in the election held in Greenup County, Kentucky, on November 5, 1872, and for Congressman from the tenth Kentucky district for the Forty-third Congress of the United States of America, all signed at bottom of pages by the clerks of the election at the various different election-precincts?—A. They are not all signed at the bottom of the pages.

Q. Please state the different pages on the different books of the different precincts that are not signed at the bottom by the clerk.—A. Poll-book No. 3 (precinct No. 2) has two pages not signed by the clerk at the bottom of the page. Poll-book No. 4 (precinct No. 3) has one page not signed by the clerk. Poll-book No. 5 (precinct No. 3) has four pages not signed by the clerk at the bottom of the pages. Poll-book No. 9 (precinct No. 5) has three pages not so signed. Poll-book No. 10 (precinct No. 6) has one page not signed by the clerk, and the other pages are signed by the clerk without the addition of his official capacity thereafter.

Q. What is the vote of Burns and Young, respectively, at the different precincts respectively named above?—A. The certificates on the poll-books show as follows: Poll-book No. 3, (precinct No. 2,) J. M. Burns, 106; J. D. Young, 47. Poll-book No. 4, (precinct No. 3,) J. M. Burns, 21; J. D. Young, 13. Poll-book No. 5, (precinct No. 3,) J. M. Burns, 79; J. D. Young, 39. Poll-book No. 9, (precinct No. 5,) J. M. Burns, 85; J. D. Young, 20. Poll-book No. 10, (precinct No. 6,) J. M. Burns, 50; J. D. Young, 10.

Q. How are said poll-books signed by the different clerks; are they signed on the same page on which the vote is kept for Congressman, or not?—A. Some are, and some are not.

Q. What poll-books are signed by the clerk on different page from page on which the vote for Congressman is kept, and what is the number of votes respectively cast for each of the candidates in those precincts in which the pages on which the congressional vote is kept is not signed at the bottom by the different clerks?—A. Third and fourth pages of poll-book No. 3 are not signed at all, and the vote cast is 106 for Jno. M. Burns and 47 for Jno. D. Young. No. 4 poll-book is not signed, and the vote is 21 for Burns, and 13 for Young. Poll-book No. 5 is not signed, and the vote is 79 for Burns and 38 for Young. Poll-book No. 9 not signed, and the vote is 85 for Burns and 20 for Young. Poll-book No. 10 is not signed on that part of page on which the congressional vote is recorded, and Burns received 50 and Young 18 votes at this precinct.

Q. Were the different poll-books sealed or open when delivered to you by the different sheriffs of the different precincts? If open or unsealed, please state what ones were so unsealed, and what was the vote cast in those precincts for Burns and Young, respectively? How are the certifi-

cates attached to the various poll-books?—A. It is my impression that the poll-books returned were all sealed up except two, I think, which were placed in the ballot-boxes, and locked up in them. I do not remember which of the poll-books were sealed up in the ballot-boxes. The certificates to the poll-books, except one, which is written in the book, are pasted on the inside of the back of each of the books.

Cross-examined by the contestant:

Q. Mr. Cornum, please state if all the ballot-boxes of this county, after the November election, 1872, were delivered to you by the proper officer of each voting-place therein; if any one was not so delivered, please state the one by its number and by whom delivered.—A. I do not remember by whom the ballot-boxes were delivered; but I feel certain that they were all delivered by the sheriffs of the election.

Q. Please state if the poll-books accompanying each box do or not show that the officers of the election at each voting-place were sworn before they acted as such.—A. They do show that the officers of the elections in every voting place (from Nos. 1 to 10, inclusive) were sworn before entering upon the discharge of their duties.

Q. Were all the ballot-boxes locked when received by you? If any were unsealed, name and number the one or ones not locked.—A. All the ballot-boxes received by me were locked and sealed.

Q. Now, state if you are sufficiently acquainted with the handwriting of the clerks of the respective voting-places where the poll-books are not fully signed by the clerks, to wit, 3, 4, 5, 9 and 10, to tell whether the names of voters in each are all in the handwriting of each clerk.—A. I am acquainted with the handwriting of the clerks of the elections in voting-places Nos. 3, 4, 5, 9 and 10, and the names of the voters recorded in the poll-books are written by the clerks at said voting-places. I would judge from the appearance of the signature of the clerk in voting-place No. 5, that the names of all the voters recorded have been written by him.

Q. Now, please state if the respective poll-books referred to in the former question did or not accompany the respective ballot-box of each voting-place, and state if they were sealed or locked up in the boxes.—A. They were.

Q. Please state if the vote for Congressman at the November election, 1872, is not certified on each book from 1 to 10, excluding No. 7, by the respective officers of each voting-place, and signed by them respectively.—A. They are.

Q. Please state if the vote for Congressman is certified at all in voting-place No. 7 for election in November, 1872; and state, also, number of ballots cast at said voting-place for contestant and contestee.—A. The vote for Congressman in voting-place No. 7 is not certified by the officers of election. The number of ballots on file in my office from said voting-place is 71 for John M. Burns, contestant, and 87 for John D. Young, contestee.

Q. Duplicate the ballots cast for contestee in this county, (Greenup;) I mean one of the ballots.—A. For contestee: "For Congress, tenth district, Kentucky, Hon. John D. Young, of Bath." A majority of the ballots cast for contestee were as above; in fact, all.

Q. Now, state how the officers of the election at each voting-place in this county were politically divided at the November election, 1872, and how the officers of the county board were politically divided.—A. The officers of the election at each of the voting-places were equally divided politically. The county board for comparing the poll-books at the November election was composed of two democrats and one republican.

Q. Please state if you know of any ballots or votes being rejected that were cast for contestant, either by the county board or the precincts. If yea, state the number.—A. The county board in comparing and counting the ballots, found in precinct No. 6, poll-book No. 10, that there was one more ballot for Burns than the certificate of the officers of that place showed he was entitled to, and the ballots, when counted, amounted to one more than all the names recorded, and one ballot rejected, which had been cast in favor of John M. Burns. Two ballots were thrown out by the officers of voting-place No. 1. These ballots were for John M. Burns. Poll-book No. 8 shows that two ballots were rejected. These ballots were not returned.

Q. Was any of contestee's ballots rejected or thrown out, by either the precincts or county-board officers?—A. I know of none being thrown out or rejected.

Q. Now, state if you know of any one being intimidated or awed, or in such way prevented from voting for contestee.—A. I know of no one being awed, intimidated, or forced to vote for either of the candidates for Congress at the November election, or prevented from voting.

Q. Do you know of any one being bribed or hired to vote for contestant and against contestee?—A. I do not; and don't think any unfair means was resorted to by either party to obtain votes.

Re-examined by contestee, Young:

Q. Please duplicate the ballot as cast for contestant at voting-place No. 7.—A. "For Congress, tenth district Kentucky, Hon. John M. Burns, of Boyd."

Q. Are not a majority of the ballots cast for contestant for Congress at the November election, 1872, in substance that just recited by you?—A. They are.

Re-cross examined by contestant:

Q. Please state if the ballots cast in this (Greenup) county for contestant are on plain white paper, and if there is, or was, any distinguishing mark on them when folded to be placed in the ballot-box.—A. If properly folded, there is not.

GEO. A. CORUM.

No. 9.—*Deposition of Charles E. Reid.*

The deposition of CHARLES E. REID, taken at the same time and place, and for the same purpose:

Witness, being of lawful age, and first sworn, says:

Question. Were you clerk at election precinct No. 1, Greenup County, Kentucky, at the election at said precinct, and in said county, on the 5th day of November, 1872, and at which election votes were cast for member of Forty-third Congress of the United States of America?—Answer. I was clerk at said election.

Q. Were you present at the polls from the time the same were opened until they were closed and the ballots counted?—A. I was present all the time, except while at dinner on that day.

Cross-examined by contestant:

Q. Please state if each voter's name and the figures on said book are

in your own handwriting.—A. I have examined names and figures in poll-book No. 1, and find them in my writing.

CHARLES E. REID.

STATE OF KENTUCKY,
Greenup County:

I, A. L. Reid, county judge of Greenup County, Kentucky, do certify that the foregoing depositions of George A. Corum and Charles E. Reid were taken before me, and were read to and subscribed by them in my presence, on the 2d day of April, 1873, at the county-court clerk's office in Greenup County, Kentucky, and for the purpose of being read as evidence for the contestee in the action of John M. Burns, contestant, against John D. Young, contestee, for a seat as member from the tenth Kentucky congressional district in the Forty-third Congress of the United States of America; the said Corum and Reid having been first sworn by me that the evidence they should give in the action should be the truth, the whole truth, and nothing but the truth, and their statements reduced to writing by them respectively in my presence, the contestant, John M. Burns, and contestee's attorney, W. J. Sands, alone, being present at the examination.

Given under my hand this 2d day of April, 1873.

A. L. REID,
County Judge for Greenup County.

No. 10.—*Notice to take depositions.*

Mr. JOHN M. BURNS: You are hereby notified that I will attend at the county court clerk's office in Martin County, Kentucky, on the 19th day of March, 1873, and proceed to take the depositions of Philip Cassidy, John Patton, and Mark Dempsey, residents of said county, before James Step, judge of said county, and on the 26th day of March, 1873, at the clerk's office of Carter County, Kentucky, before James Botts, examiner of said county, C. N. Lewis, Jonathan Davis, and Elias Davis, all residents of said county; and on the 2d day of April, 1873, at the county-court clerk's office of Greenup County, Kentucky, before A. L. Reid, county judge, take the depositions of John D. Russell and Geo. A. Corum, residents of said county; and on the 9th day of April, 1873, at the county court clerk's office in Rowan County, Kentucky, before James Cary, county judge of said county, take the depositions of James Johnson, clerk of said county, and will continue at each place from day to day until the same is completed; said depositions to be used and read as evidence in my behalf before the committee on elections in the contest now pending before said committee for a seat in the Forty-third Congress of the United States of America, wherein you are the contestant and I am the contestee, at which times and places you are notified to attend, if you choose.

JNO. D. YOUNG.

Executed by delivering to John M. Burns a true copy of the within notice this the 6th day of March, 1873.

R. B. McCALL, *Deputy.*
J. J. KOUNS, *S. B. C.*

No. 11.—*Deposition of James W. Johnson.*

The deposition of JAMES W. JOHNSON, taken at the county court clerk's office in Morehead, Rowan County, Ky., on the 9th day of April, 1873, to be used as evidence for the contestee in a matter of contest before the Forty-third Congress of the United States for a seat therein, in which John M. Burns is contestant and John D. Young is contestee:

The deponent, being of lawful age, and being first duly sworn by me, deposes and states as follows:

Question. Please state your name, age, residence, and occupation.—Answer. James W. Johnson; thirty-eight years old; Morehead, Rowan County, Ky.; county court clerk.

Q. Please examine poll-book No. 5, and state if any certificate appears upon said book showing that the officers conducting said election were sworn.—A. There is none.

Q. State whether the clerk of said election signed his name officially on the last page of said book.—A. He did not.

Q. Please state whether or not what purports to be the certificate that appears on said book certifies the number of votes received by each candidate for member of Congress.—A. It don't state the number.

Q. Will you please state the number received by each for contestant and contestee, and what appears upon the ballots, written or printed, cast for contestant other than his name?—A. Contestee received 16 votes, and the contestant received 55 votes. The contestant has on his ballots Hon. John M. Burns.

Q. Please state who delivered to you the "ballot-box and poll-book" of said precinct; whether said box was sealed and whether the book was sealed?—A. Sheriff delivered the ballot-box and poll-book, and they were sealed.

Q. Please state whether the clerk of said precinct signed his name officially on both sides of the book on the first leaf, or on which side his name appears?—A. He did on both sides.

Q. Please state whether or not there appears on poll-book No. 4 any certificate showing the officers of the election were sworn?—A. It does not.

Q. State whether what purports to be a certificate certifies the number of votes received for contestant and contestee?—A. It certifies that the poll-book is true, but don't state what number the contestee or contestant received.

Q. Will you state the number received by each, and what appears upon the ballots, either written or printed, cast for contestant other than his name?—A. Contestant received 24 votes and contestee received 52 votes, and there appears upon the ballots of contestant the following words and figures, to wit: "For Congress, tenth district Kentucky, Hon. John M. Burns, of Boyd."

Q. Please examine poll-book No. 3, and state if there appears upon said book any certificate showing the officers of said precinct were sworn.—A. It don't show any certificate that they were or were not sworn.

Q. Please examine the certificate, and state the number of votes certified by said officers received each for contestant and contestee, and where said certificate appears on said book.—A. The certificate certifies that contestee received 27 votes, and the contestant received 28

votes. Counting one page running across the book, the certificate appears on the second page from the tally-sheet.

Q. Please examine the ballots cast for contestant at said precinct, and state what appears upon them, either written or printed, other than his name.—A. For Congress, tenth district Kentucky, Hon. John M. Burns, of Boyd.

Q. Please examine poll-book No. 2, and state if any certificate appears on said book showing the officers of said "precinct" were sworn before acting.—A. It does not show that they were or were not sworn.

Q. Please examine the certificate, and state whether or not it certifies the number of votes or ballots cast for contestant and contestee.—A. It does not in the body of the certificate.

Q. Will you please examine the ballots, and state the number cast for contestant and contestee, and what appears on the ballots cast for contestant, either written or printed, other than his name?—A. The contestant received 88 votes, and the contestee received 29 votes. There appears on the ballots cast for contestant, "For Congress, tenth district Kentucky, Hon. John M. Burns, of Boyd."

Q. Please state, if you know, how the officers of said election-precinct were politically divided; how they voted for presidential electors.—A. They were divided equal in politics. Three of them voted for Grant and one for Greeley.

Q. Please state what appears opposite the name of John H. Shrout, and for whom he voted for presidential electors, and whether his name appears as having voted for member of Congress, and if you know whether his ballot was thrown out or not.—A. After voting he made oath that he did not know the law, and had only been in the State about eleven months. He voted for General Grant. His name appears as if he voted for the members of Congress, or one of them for Congress; and I don't know whether his ballot was thrown out or not.

Q. Please examine poll-book No. 1, and state if any certificate appears on said book showing that the officers conducting said election were sworn before acting as such officers.—A. There is no certificate showing that they were sworn.

Q. State how the clerk has signed said book at the foot of each page; whether on the right or left hand side; and explain what constitutes a page on the poll-books in your office.—A. He signed them on the left-hand side of each page—on the left. The book folds in the center, and one page extends across the poll-book.

Q. State where the certificate of the officers appears on said book, and whether it is not all in the handwriting of the same person, and, if so, written on the same kind of paper. If not, please explain the difference.—A. It is on the next page from where they quit voting. It seems to be the handwriting of the same person. It is not written on the same kind of paper; part is written on white, and part on yellow.

Q. State the number of votes or ballots received at said precinct for contestant and contestee, each; and what was written or printed on the ballots of contestant other than his name.—A. The contestant received 77 ballots. Two of them had "Hon. John M. Burns" on them, and the others had "John M. Burns" on them; and the contestee received 40 ballots.

Cross-examined by contestant:

Q. Were you clerk of the Rowan County court on the 8th day of November, 1872, and before that time?—A. I was.

Q. Can you state that you are sufficiently acquainted with the handwriting of the clerks of the election held in November, 1872, at pre-

cincts Nos. 1, 2, 3, and 5, to know the same? If yes, please state if each poll-book above named is in the handwriting of each clerk respectively.—A. I am; and each poll-book is in the handwriting of each clerk.

Q. Now, state if each poll-book last above named was delivered to you sealed or unsealed, and also by whom each was delivered.—A. They were delivered to me by the respective sheriffs. Each book above named was sealed.

Q. Now, examine poll-book No. 5, and state if the last page of same is not signed officially by the clerk; state how many voters are recorded on said page.—A. To the certificate the clerk signs his name officially, and where he votes he don't sign it officially, and the certificate is on the same page where the voting ceases.

Q. Now, examine the ballots cast for contestee at precinct No. 3, and state what is in them, either written or printed. Duplicate one of them, and make it a part of your deposition.

(The contestee excepts, and objects to the question propounded to witness, because the contestant sets out no objection to ballots cast for contestee having on them "distinguishing marks.")

A. I have examined them, and they are all written on white paper, with the following on them, "For Congress, tenth district Kentucky, Hon. John D. Young, of Bath."

Q. If there are any lines on the paper on which contestee's ballots are written, please state the color of the lines and how many ballots.—A. There are from four to six blue lines on each ballot, and 27 ballots.

Q. Please examine the ballots given for the contestant in Rowan County, and state the kind of paper the same are on, and state also when said ballots are folded to be placed in the box if there is any distinguishing mark on them.—A. They are all on white paper, and when folded to be placed in the ballot-box there seems to be no distinguishing mark on them.

Q. Now, examine the certificate to poll-book No. 2, and state if the names of contestant and contestee do not appear on the said book just above the certificate, and if, in a direct line under each name, the number of votes given for contestant is not given under his name, and for contestee under his name, and if the certificate refers to them as above; also state if the number under each name agrees with the number of ballots in the box for each party.—A. I have examined the poll-book, and the names of the contestant and contestee appear above the certificate, in a straight line, with the words written above their names, 'For Congress," as follows, to wit:

For Congress.	
John M. Burns.	John D. Young.
88	29

Then follows the certificate which refers to the above:

"I have counted the ballots. For contestee, 29; for contestant, 88."

Q. Please state if precinct No. 1 is at the court-house in Rowan County, and if you reside therein, and voted there at the November election, 1872. Also state if the officers of the election at said precinct No. 1 were sworn before they acted as such at said election.—A. The voting place or precinct No. 1 is at the court-house in Rowan County, Kentucky, and I reside therein. I voted there at the November election, 1872. The officers of said election were sworn by myself before they acted as such.

(The question and answer are objected to by contestee, because the certificate certifying to said fact is the best evidence.)

Q. Now, please state who was clerk of said election in November, 1872; and also state if the certificate thereto is or not in the handwriting of said clerk, both the part that is on white as well as the part on yellow paper; and is and was said certificate fastened to said poll-book, and how fastened?—A. J. M. Kash was clerk of said election in November, 1872, and the certificate is in the handwriting of said Kash; both of the white as well as the yellow slips of paper that the certificate is written on, are fastened to the opposite side of the first page after where they stopped voting, with mucilage, and they are fastened together with mucilage; when they were delivered to me they were as stated above.

Q. Are you acquainted with Z. T. Young, of this place? Where did his family reside at the November election, 1872, and where now? Whom did he vote for at said election for Congress?—A. I am acquainted with Z. T. Young. His family resided at Elizaville, in Fleming County, Kentucky, at the November election, 1872, and at this time, and he voted for Horace Greeley, and I don't know who he voted for for Congress, only I heard him say that he voted for John D. Young, the contestee.

Q. Please state if you know of any person or persons minors who voted at said election for contestee, or persons who had not resided a sufficient time in the State, precinct, or county as required by law? If yes, state who they were.

(Contestee objects to question propounded to witness, because his notice of contest fails to set up or rely upon such votes as illegal.)

A. I don't know of any one.

Re-examined:

Q. State if the ballots of contestant are not printed on such paper that the printing shows through the back when folded.—A. They are.

Q. Please state whether or not the figures 88, as set down for contestant, and 29, as set down for contestee, on poll-book No. 2, when added together, corresponds with the figures 122, as marking the number of names appearing in the list of those voting for members of Congress, and please state the difference.—A. It shows a difference of five.

Q. How long has Z. T. Young resided in this county and precinct, boarding with you, and what business is he engaged in?—A. He has resided with me and boarding ever since about the 1st day of July, 1872, and is engaged in the business of practicing attorney at law.

Re-cross-examined by contestant:

Q. You have stated that you could see print through the ballots of contestant, when folded single or double. Could you read a word on them?—A. By a close examination you can read some of the words.

Q. Does Mr. Z. T. Young visit his family in Elizaville, Fleming County? How often does he go home? Has he talked of moving to this place? If yes, when?—A. He visits them sometimes once a month, and sometimes once in three months. He told me that he expected to move his family this spring.

Re-re-examined:

Q. Do you know, of your own knowledge, who Z. T. Young voted for for Congress; and is not his library all in an office rented from you?—A. I do not know who he voted for for Congress. He has an office, rented from me, that he keeps his library in.

JAS. W. JOHNSON.

I, James Carey, county judge of Rowan County, Kentucky, do certify that the foregoing deposition of James W. Johnson was taken before me, and the questions were written by the contestant and contestee, and the answers written by the witness himself, and subscribed by him in my presence, at the time and place and in the action mentioned in the caption, the said James W. Johnson having been first sworn by me that the evidence he should give in the action should be the truth, the whole truth, and nothing but the truth, and his statements reduced to writing by said witness, in my presence. Both the contestee and contestant were present at the examination.

Given under my hand this the 9th day of April, 1873.

JAMES CAREY,
County Judge of Rowan County, Kentucky.

No. 12.—*Notice to take depositions.*

Mr. JOHN M. BURNS: You are hereby notified again, having failed in my former notice to state the place in Lewis County where I would take the depositions of witnesses named therein. I will on the 16th day of April, 1873, at the county court clerk's office, in Vanceburg, Lewis County, Kentucky, before J. R. Garland, county judge, of said county, take the depositions of J. P. McAndrew, J. A. Sparks, R. B. Lovell, Aaron Hamlin, S. B. Pugh, and R. H. Fisher, all residents of said county; and on the 16th day of April, 1873, at the county court clerk's office, in Nicholas County, Kentucky, before James W. Renny, county judge, take the depositions of J. A. Campbell and Squire Shannon, all residents of said county; and on the 16th day of April, 1873, at the county court clerk's office, in Boyd County, Kentucky, before Thomas J. Ewing, notary public, of said county, take the depositions of John C. Easem, James W. Mullens, and A. Bagby, all residents of said county; and on the 16th day of April, 1873, at the county court clerk's office in Fleming County, Kentucky, before James E. Smith, county judge, of said county, take the deposition of M. Yeager, county court clerk of said county; said depositions, when taken, to be used and read as evidence in my behalf, in a contest before the Forty-third Congress of the United States, wherein you are the contestant and I am contestee. You may attend, if you choose, at such times and places.

JNO. D. YOUNG.

MARCH 23, 1873.

No. 13.—*Deposition of James Shannon.*

The deposition of JAMES SHANNON, taken at the office of the clerk of the Nicholas County court, in Carlisle, Kentucky, on the 16th of April, 1873, to be used and read as evidence for John D. Young in a contest before the Forty-third Congress of the United States, in which John M. Burns is contestant and said John D. Young is contestee:

The deponent, being of lawful age, and first duly sworn, deposeth as follows:

By contestee:

Question. Please state your residence and age.—Answer. My residence is the town of Carlisle, and my age is about forty-five years.

Q. Please state whether you were one of the judges of the election in the Carlisle precinct on the 5th day of November last; and if so, whether you helped to count and certify the votes or ballots which were cast for the candidates for the Forty-third Congress of the United States for that district.—A. I was one of the judges, and helped to count and certify the ballots that were cast for those candidates.

Q. Please state whether there were any frauds or unfairness, or any attempts to practice any frauds or unfairness, at the precinct in Carlisle at that election.—A. There were some attempts at unfairness, but no unfairness or fraud consummated. There were some double ballots put into the box, but the judges of the election detected the fraud, and rejected said ballots. Those double ballots were cast for John M. Burns, the contestant in this cause. There were four double ballots thus cast, making in all eight votes, all for John M. Burns, and all rejected by the judges of the election.

Q. If you voted for either of said candidates at that election, please state for which of them you voted.—A. I voted for John M. Burns, the contestant in this cause.

Cross-examined by contestant:

Q. Were you sworn as an officer of said election, and do the poll-books show you were so sworn?—A. I was sworn as a judge of said elections, but I do not know whether the books show it or not.

Q. State the color of the paper on which the ballots for Burns were cast, and if, when folded to be placed in the box, whether they had any distinguishing marks on them or not.—A. I don't remember as to the color of them. I don't know that they had any distinguishing marks on them.

Q. How were the officers of said election divided politically at the Carlisle precinct?—A. One judge was a democrat and the other one was republican. The sheriff was a democrat and the clerk was a republican.

Q. State what distinguished the ballots cast for contestant from those cast for the contestee.—A. Their respective names on the inside of the ballots printed.

JAMES SHANNON.

No. 14.—*Deposition of John A. Campbell.*

The deposition of JOHN A. CAMPBELL, taken at the same time and place, and for the same purpose, who, being of lawful age, and first duly sworn, deposeth as follows:

By contestee:

Question. Please state your age, residence, and occupation.—Answer. I am nearly forty-six years old; I am the clerk of the Nicholas County court, and have been for some fifteen years, except a short time in the latter part of 1862 and the early part of 1863.

Q. Were you one of the board to compare the polls for Congressman at the last November election in Nicholas County?—A. I was one of the board.

Q. Please state whether the vote of said county then compared by said board, the certificate made out by said board and sent to the secretary of state, of Kentucky, contained a true and correct statement of the vote of Nicholas County.—A. I think it did.

Q. Were any of the ballots rejected or thrown out by said board?—A. Not one.

Q. Please state whether any fraud was committed, or attempted to be committed, by the friends of the contestant, or by the contestant himself, either before, on the day of election, or since the election.—A. I know of no fraud committed either before or since the election by the friends of contestant. I never saw contestant that I now remember of until some time in February and March last, when he, contestant, came to my office and had me to assist him in counting the ballots cast for congressional candidates at last November election, when, in counting the ballots in the Union precinct box, he, contestant, attempted to misplace some of the ballots. I have given my deposition for contestant on the 14th of March last. I refer to said deposition, and make it a part hereof.

Cross-examined by contestant:

Q. Please explain how he attempted to misplace some of the ballots; what he said when you called his attention to the matter.—A. By misplacing them (the ballots) with his arm while he was sitting at the table making the count. I think he said there was a mistake in the ballots in that box, (the Union box.) Then I had him to recount, including the ballots he had under his arm; and then the ballots counted out all right, as certified by precinct officers.

Q. Does any evidence accompany the poll-books of Nicholas County, Kentucky, that the officers of the various election-precincts at the election between contestant and contestee were sworn, and how were said officers, except at the Carlisle precinct, divided politically?—A. There is no evidence in the poll-books showing that the officers were sworn; there is not a poll-book in my office showing the fact that the officers conducting the election were sworn. There was a democrat and republican judge at each one of the voting-precincts in the county at the last November election. The county board are all democrats. The ballots were all printed and written on white paper. I don't remember that there were any distinguishing marks on the ballots. The names of the candidates were on the ballot, some written, but mostly printed. "Hon. John M. Burns" appears on one class of ballots, and "John D. Young" on the other.

JNO. A. CAMPBELL.

STATE OF KENTUCKY,
Nicholas County:

I, J. W. Kenney, judge of the Nicholas County court, do certify that the foregoing depositions of James Shannon and John A. Campbell were this day taken before me, at the office of the clerk of the county court

of Nicholas County, in the town of Carlisle, Ky.; that said deponents were duly sworn by me before said depositions were severally taken to testify to the truth, the whole truth, and nothing but the truth, and subscribed the same in my presence; that said depositions were taken in my presence, and read to the witnesses before they subscribed the same; that William Nowell, attorney for contestee, and Thomas Kennedy, attorney for contestant, were present at the taking of said depositions.

Given under my hand this 16th of April, 1873.

J. W. KENNEY,
Presiding Judge, Nicholas County.

No. 15.—*Agreement to take depositions.*

Judge J. R. Garland, before whom notice to take depositions on this day was given, being necessarily absent, without waiving any legal exceptions that might be taken to the depositions taken herein, we hereby agree to take said depositions before W. S. Lewis, an examiner, waiving proof of official character, instead of the said J. R. Garland.

Given under our hands this 16th April, 1873.

JOHN M. BURNS.
JNO. D. YOUNG.

No. 16.—*Deposition of Joseph A. Sparks.*

The deposition of JOSEPH A. SPARKS, taken at the county court clerk's office in Vanceburgh, Lewis County, Ky., on the 16th day of April, 1873, to be used as evidence in behalf of the contestee, John D. Young, in a contest before the Forty-third Congress of the United States for a seat therein, in which John M. Burns is contestant, and John D. Young is contestee:

The deponent, of lawful age, and first duly sworn, deposes and says:

Question. Please state your name, age, residence, and occupation.—Answer. My name is Joseph A. Sparks; am twenty-eight years of age, and am at present clerk of the county court of Lewis County, Kentucky.

Q. Please state the number of votes received by contestant and contestee at each precinct in said county.—A. Contestant received at precinct No. 1, 115 votes; at precinct No. 2, 96 votes; at precinct No. 3, 194 votes; at precinct No. 4, 119 votes; at precinct No. 5, 36 votes; at precinct No. 6, 103 votes; at precinct No. 7, 112 votes; at precinct No. 8, 83 votes; at precinct No. 9, 79 votes; total, 937 votes. Contestee received at precinct No. 1, 46 votes; at precinct No. 2, 92 votes; at precinct No. 3, 180 votes; at precinct No. 4, 86 votes; at precinct No. 5, 39 votes; at precinct No. 6, 83 votes; at precinct No. 7, 103 votes; at precinct No. 8, 37 votes; at precinct No. 9, 43 votes; total, 709 votes.

Q. Please state the number of votes certified by the board of examiners for each candidate respectively.—A. The foregoing answer shows the number of votes certified by the board for contestant and contestee, viz: For contestant, 937 votes; for contestee, 709 votes.

Q. Please examine poll-books, commencing at No. 1 up to 9, inclusive,

and state if there appears on said books any certificate showing that the precinct-officers were sworn before acting as such officers.—A. I have examined the poll-books from No. 1 to No. 9, inclusive, referred to above, and find no certificate on either of said books showing that the officers of the election were sworn before acting as such officers.

Q. Please examine the certificates on said books from 1 to 9, inclusive, and state where the certificates of the officers appear on said books, and the number of blank leaves intervening on each book from where the voting stops to the certificate.—A. I have examined the certificates on said books from Nos. 1 to 9, inclusive. On No. 1 the certificate appears on the last page of the book, and three blank leaves appear between the place where the voting stops to the certificate. On book No. 2, the certificate appears on the last page, and four blank leaves appear between the place where the voting ceases and the officers' certificate. On book No. 3, the certificate appears on the last page, and three blank leaves appear between the place where the voting ceases and the officers' certificate. In precinct No. 4, there are two voting-places, and consequently two poll-books. On the first of said books the certificate of officers appears on the last page of said book, and one blank leaf appears between where the voting ceases and said certificate. On book No. 2 of said precinct, the certificate of officers appears on last page and two blank leaves appear between where the voting ceases and said certificate. On poll-book No. 5, the certificate of officers appears on last page of same, and one blank page intervenes between the place where the voting ceases and said certificate. In precinct No. 6, there are also two voting-places, and consequently two poll-books. On the first of said books the certificate of officers appears on last page, and one blank leaf appears between the place where voting ceased and said certificate. On the second of said books the certificate of officers appears on last page, and one blank leaf appears between the place where voting ceases and said certificate. On poll-book of precinct No. 7, the officers' certificate appears on last page, and one blank leaf appears between where the voting ceased and said certificate. On poll-book of precinct No. 8, the certificate of the officers appears on last page, and one blank leaf intervenes between where voting ceases and said certificate. In voting-precinct No. 9, there are also two voting-places, and consequently two poll-books. On the first of said books the officers' certificate appears on last page, and one blank leaf appears between where voting ceases and the officers' certificate. On the second of said books the certificate of officers appears on last page, and two blank leaves appear between the place where voting ceases and said certificate.

Q. Please state what remarks appear on said books by the officers from Nos. 1 to 9, inclusive.—A. On poll-book of precinct No. 1, the following remarks appear on the last page of said book, viz: "In the examination of the ballots for Congress, we found two tickets folded together for John D. Young, which we did not count." No remarks appear on either of the other books in relation to the vote for Congress.

Q. Please state how the clerks of said election-precincts signed said books; whether on the right or left of the leaves; how many pages not so signed, and the number of the book or books not signed by the clerks.—A. The clerk at precinct No. 1 signed the poll-book at the bottom of each right-hand page. The clerk at precinct No. 2 signed his book in the same manner. The name of the clerk at precinct No. 3 commences on each left-hand page and ends on each right-hand page. On the first poll-book in precinct No. 4, the name of the clerk is signed at the bottom of each right-hand page. On the second poll-book of

precinct No. 4, the name of the clerk is signed at the bottom of each right and left hand page. On the poll-book of precinct No. 5, the name of the clerk is signed at the bottom of one right-hand page and at the bottom of left-hand pages of the balance of said book. On the first poll-book at precinct No. 6, the name of the clerk appears signed at the bottom of each right-hand page. On the second poll-book of said precinct the name of the clerk is signed at the bottom of each left-hand page of said book. On the poll-book at precinct No. 7, the name of the clerk appears signed at the bottom of each right-hand page, save the last page, on which the name of the clerk is not signed officially. On the poll-book at precinct No. 8, the name of the clerk does not appear at the bottom of either page. On the first poll-book of precinct No. 9, the name of the clerk appears signed at the bottom of each left-hand page. On the second poll-book of said precinct the name of the clerk does not appear signed at the bottom of either page.

Q. Please explain how the poll-books of said county are made, and what constitutes a page.—A. For answer to the foregoing question I herewith file a half-sheet of the paper of which the poll-books of this county were made; the books being folded in the center, as this sheet appears. Said sheet is marked "J. A. S.," and made a part hereof.

Q. Please examine poll-book No. 6, (2d.) State how the vote was kept. Also, state if the vote for member of Congress was certified by the officers of said precinct.—A. I have examined said poll-book, and find that the vote was kept in straight marks. The vote for candidates for Congress is not certified by the officers.

Q. You state in a former part of your deposition that the board of examiners made up their returns from the certificates, or that the returns thus made up corresponded with the certified returns of the different precinct-officers. Will you now please state how you got the vote on poll-book No. 6, (2?)—A. The vote for candidates for Congress at precinct No. 6 (second book) was gotten from the ballots found in the ballot-box.

Q. Please make a duplicate of the ballots cast for the contestant in this county and State. What distinguishing marks appear upon them other than his name? Mark said duplicate and make it a part of your deposition.

(The contestant objects to the above question because it *assumes what is a distinguished mark*, which is a question for either judicial decision or parliamentary decision.—JOHN M. BURNS.)

A. I have made a duplicate of each different kind of ballots cast for the contestant in this county. They are each marked "duplicate," in red ink, are four in number, and are filed herewith, and made a part of this, my deposition. They are numbered, respectively, 1, 2, 3, and 4.

Q. Will you please state the number of ballots, with distinguishing marks, the number of each kind, as shown in your duplicate, cast for contestant in said county.

(Contestant objects to the foregoing question because it assumes to determine that there are distinguishing marks on contestant's ballots, (votes,) and further, because the question makes the witness the judge of the question as to what it takes to constitute a *distinguishing mark*. This question is one for judicial determination.)

A. The number of votes cast for contestant corresponding to duplicate ticket No. 1 is 112; the number corresponding to duplicate No. 2 is 232; the number corresponding to No. 3 is 399; the number corresponding to duplicate No. 4 is 182, by reference to the tickets now on file in my office, if no mistake was made in the count by me.

Q. Please state if the tickets like duplicate No. 4 are written or printed, and the kind of paper they are written or printed on.—A. The tickets corresponding to duplicate No. 4 are partly written and partly printed. Those written are written upon legal or foolscap paper. Those printed are upon common newspaper.

Q. Please state the number of votes cast at precinct No. 6 (2d part) for contestant and contestee.—A. The number of votes cast for contestant at voting-precinct No. 6 (voting-place No. 2) is 54, the number cast for contestee, 30. The officers at that voting-place do not certify the number of votes cast for each candidate for Congress. I derive my information on this point from the ballots found in the ballot-box from said voting-place.

Q. Please count the names of those voting for member of Congress on poll-books Nos. 2 and 3, and state if the number corresponds with the certified number in the certificate attached thereto. If not, state the difference. A. I have counted the names of those voting for member of Congress on poll-books Nos. 2 and 3, and find that on No. 2 the certified number is 188, and the number as counted by me is 185, and on No. 3 I find the certified number corresponds exactly with the number of names.

Q. Please state how the officers of the different precincts were politically divided.—A. The officers of the election in this county were equally divided, there being one republican and one democratic judge at each voting-place. The sheriffs of election were all democrats, and the clerks all republicans.

Q. Please state if the sheriff was in the county on the day you compared the polls of said county in November last.—A. I do not know whether the sheriff was in the county on said day or not.

Q. Will you please state who assisted you in comparing the polls?—A. I was assisted in the comparison by Hon. J. R. Garland, county judge of Lewis County.

Cross-examined by contestant:

Q. You have stated in a former part of this deposition that you were county court clerk of this county. Are you, as such, keeper of the poll-books, ballots, and ballot-boxes of this county? If yes, has any change been made, either in writing or figures, on any one of said books since they were delivered into your keeping?—A. As county court clerk of Lewis County, I am custodian of the poll-books, ballots, and ballot-boxes of said county. No changes have been made, either in writing or figures, on any of said books since they were delivered into my keeping, to my knowledge.

Q. Were said poll-books, ballots, and ballot-boxes delivered to you by the proper officers of the respective precincts? Were the boxes locked and sealed, and the books sealed, or in the boxes?—A. All of said poll-books, ballots, and boxes were delivered to me by the proper officers of the respective precincts. The boxes were all locked and sealed, so far as I now remember. My best impression is that some of the books were not in the boxes, but such as were not were properly sealed.

Q. You have stated in the former part of your deposition that no oath of office appears on the poll-books of the respective voting-places in this county before they acted as such. Now, please state if printed oaths of office were by you furnished with the poll-books of each voting-place in this county, and state how many of them were returned with the books.—A. The sheriff of our county and his deputy deliver the poll-books to the respective officers of election. I furnished said sheriff and his

deputy with a printed copy of the oath required for each voting-place. Some of said printed forms were returned with the poll-books, but I cannot now remember how many. The printed forms returned were filled up, showing that the officers were sworn.

Q. Now, state if you are sufficiently acquainted with the handwriting of the clerks at the respective voting-places in this county to tell if the whole of each poll-book is in the proper handwriting of the respective clerk at each voting-place. If yes, state them by numbers, or such as you know by numbers.—A. I am sufficiently well acquainted with the handwriting of all the clerks of the various precincts to tell whether or not they are entirely in the handwriting of said clerks. I have examined said books, and find that they are entirely in the handwriting of the various precinct-clerks, from No. 1 to No. 9, inclusive.

Q. Please state the number of votes certified in the poll-books by the respective precinct-officers of this county for contestant and contestee. Give the aggregate.—A. The number of votes certified on the poll-books of this county for contestant, in the aggregate, is 883; for contestee, 679. The officers of voting-place No. 2, in precinct No. 6, did not certify the vote for members of Congress, but by examination of the ballot-box from said voting-place, it was found to contain 54 ballots for contestant and 30 ballots for contestee, making in the aggregate 937 votes for contestant, and 709 votes for contestee.

Q. You have stated in the former part of this deposition that the sheriff at each voting-place at the election held in this county in November, 1872, were democrats. Now, state if the high sheriff and county judge of this county, who made the appointments of officers, are, and were at the time, democrats or republicans.—A. The county judge of this county and the high sheriff of the county are and were democrats at the time of the appointment of the officers of election.

Q. You have made an exhibit of the duplicated ballots cast for contestant. Now, state if they are on white paper; and, when folded to be deposited in the box, is there any distinguishing mark on them?—A. The ballots cast for contestant are partly printed and partly written; those printed are upon common news-paper, and those written are upon foolscap and legal-cap paper. If properly folded to be deposited in the box there would appear no distinguishing mark upon them.

Q. In duplicating ballots for contestant did you duplicate only what was written or printed on them, or did you duplicate the paper?—A. I only duplicated what was written or printed upon the ballots and not the paper.

Q. Please state the majorities of contestee in district No. 4, voting-place No. 1; also, No. 5, and district No. 6, voting-place No. 1, and district No. 9, voting-place No. 2.—A. The contestee has a majority of five votes in precinct No. 4, voting-place No. 1; and a majority of three votes in precinct No. 5; and a majority of four votes in precinct No. 6, voting-place No. 1; and a majority of sixteen votes in precinct No. 9, voting-place No. 2.

Q. Examine poll-book of voting-place No. 2, in district No. 6, and state if the officers of said voting-place in their certificate do not recapitulate the republican vote and make it 54 in said certificate; and do they not also recapitulate the liberal democratic vote in said certificate at 28 votes?

(The contestee objects to the above question propounded to witness, because the vote referred to has no bearing upon the vote for members of Congress.)

A. I have examined poll-book of precinct No. 6, voting-place No. 2,

and find that the officers of the election recapitulate the republican and democratic vote, and make the republican vote 54 and the democratic vote at 28.

Q. Duplicate the ballots voted for contestee in this county, whether written or printed, and state if any lines are on the paper on which they are written or printed, and make said duplicates a part of your deposition.

(The contestee objects to the above question propounded to witness, because his notice of contest makes no allusion or sets up any objection upon the grounds of ballots in any form.)

A. I have duplicated the different kinds of ballots cast for contestee in this county; they are three in number, and are marked, respectively, Nos. 1, 2, and 3, and marked "duplicate" across the face. The ballot corresponding to duplicate No. 1 is printed on common news-paper, and has no lines upon it. The ballot corresponding to duplicate No. 2 is written on legal or foolscap paper, and has ruled lines upon it similar to the lines upon which the duplicate is written. The ballot corresponding to duplicate No. 3 is written on the same kind of paper, with same kind of ruling. The duplicates are filed herewith and made a part of this my deposition.

Re-examined:

Q. Will you state whether the "ballots" of contestant written on white paper have any lines upon them? If so, please state what they were.—A. A portion of the ballots cast for contestant are written upon legal or foolscap paper, and have the ruling common upon such paper.

JOS. A. SPARKS.

No. 1.—(Duplicate.)
Hon. JOHN M. BURNS.
No. 2.—(Duplicate.)
FOR CONGRESS,
JOHN M. BURNS.
No. 3.—(Duplicate.)
FOR CONGRESS,
Tenth district Kentucky,
Hon. JOHN M. BURNS,
Of Boyd.
No. 4.—(Duplicate.)
JOHN M. BURNS.
No. 1.—(Duplicate.)
JOHN D. YOUNG.
No. 2.—(Duplicate.)
CONGRESS,
Tenth district,
JOHN D. YOUNG,
No. 3.—(Duplicate.)
JOHN D. YOUNG

I, W. S. LEWIS, examiner for Lewis County, do certify that the foregoing deposition of Joseph A. Sparks was taken before me, and was read to and subscribed by him in my presence at the time and place and in the action mentioned in the caption, the said Joseph A. Sparks having been first sworn by me that the evidence he should give in the action should be the truth, the whole truth, and nothing but the truth, and his statements reduced to writing by him in my presence, the contestee and contestant both being present at the examination.

Given under my hand this 16th day of April, 1873.

WM. S. LEWIS, *Examiner.*

No. 17.—EXHIBIT

CONGRESSIONAL VOTE.			GREELEY AND BROWN ELECTORAL TICKET.												
A list of those voting for Representative in Congress at precinct or voting place in County, at the election held on the 5th day of November, 1872.		Arranged and printed by Bolling & Co., Louisville, Ky, who will furnish this paper in loose sheets at $1.50 per quire, and bound in books at the rate of 15 cents per book extra.	George E. Hodge.	James A. McKenzie.	J. M. Bigger.	Eli H. Brown.	R. S. Bevier.	J. M. Atherton.	R. A. Jones.	H. Cox.	W. C. P. Breckinridge.	R. E. Little.	A. L. Martin.	H. L. Stone.	
Nsmes of voters.	Total vote.	Names of voters.	Electors for State at Large.		1st district.	2d district.	3d district.	4th district.	5th district.	6th district.	7th district.	8th district.	9th district.	10th district.	Total vote.

'. A. S.

GRANT AND WILSON ELECTORAL TICKET.			O'CONOR AND ADAMS ELECTORAL TICKET.			Remarks.
Charles Eginton.			John T. Bunch.			
George M. Thomas.			Oscar Turner.			
lectors for State at large.	1st district.	Lucien Anderson.	Electors for State at large.	1st district.	Robt J. F. Johnston, jr.	
	2d district.	Samuel E. Smith.		2d district.	M. D. Hay.	
	3d district.	D. R. Carr.		3d district.	Lewis C. Garrigus.	
	4th district.	Richard J. Browne.		4th district.	Robert A. Burton.	
	5th district.	Harvey M. Buckley.		5th district.	G. W. Chambers.	
	6th district.	Oliver W. Root.		6th district.	O. D. McMannama.	
	7th district.	Gabriel Burdett.		7th district.	Benj. Selby.	
	8th district.	Speed S. Fry.		8th district.	A. S. Warren.	
	9th district.	W. H. Holt.		9th district.	Joseph Hill.	
	10th district.	J. W. Anderson.		10th district.	R. K. Smith.	
	Total vote.			Total vote.		

No. 17.—EXHIBI

CONGRESSIONAL VOTE. A list of those voting for Representative in Congress at precinct or voting place in County, at the election held on the 5th day of November, 1872.		Arranged and printed by Bolling & Co., Louisville, Ky, who will furnish this paper in loose sheets at $1.50 per quire, and bound in books at the rate of 15 cents per book extra.	GREELEY AND BROWN ELECTORAL TICKET.													
			George E. Hodge.	James A. McKenzie.	J. M. Bigger.	Eli H. Brown.	R. S. Bevier.	J. M. Atherton.	R. A. Jones.	H. Cox.	W. C. P. Breckinridge.	R. E. Little.	A. L. Martin.	H. L. Stone.	
Names of voters.	Total vote.	Names of voters.	Electors for State at Large.		1st district.	2d district.	3d district.	4th district.	5th district.	6th district.	7th district.	8th district.	9th district.	10th district.	Total vote.

J. A. S.

GRANT AND WILSON ELECTORAL TICKET.			O'CONOR AND ADAMS ELECTORAL TICKET.			Remarks.
Charles Eginton.	George M. Thomas.		John T. Bunch.	Oscar Turner.		
Electors for State at large.		1st district.	Electors for State at large.		1st district.	
		Lucien Anderson.			Rob't J. F. Johnston, Jr.	
		Samuel E. Smith.			M. D. Hay.	
		D. R. Carr.			Lewis C. Garrigus.	
		Richard J. Browne.			Robert A. Burton.	
		Harvey M. Buckley.			G. W. Chambers.	
		Oliver W. Root.			O. D. McMannama.	
		Gabriel Burdett.			Benj. Selby.	
		Speed S. Fry.			A. S. Warren.	
		W. H. Holt.			Joseph Hill.	
		J. W. Anderson.			R. K. Smith.	
		Total vote.			Total vote.	

No. 18.—*Notice to take depositions.*

Mr. JOHN M. BURNS: You are hereby notified again, having failed in my former notice to state the place in Lewis County where I would take the depositions of witnesses named therein. I will, on the 16th day of April, 1873, at the county clerk's office, in Vanceburgh, Lewis County, Ky., before J. R. Garland, county judge of said county, take the depositions of J. P. McAndrew, J. A. Sparks, N. B. Lovell, Aaron Hamlin, S. B. Pugh, and R. H. Fisher, all residents of said county. And on the 16th day of April, 1873, at the county clerk's office in Nicholas County, Kentucky, before Jas. W. Kenny, county judge, take the depositions of J. A. Campbell and Squire Shannon, all residents of said county; and on the 16th day of April, 1873, at the county clerk's office in Boyd County, Kentucky, before Thos. J. Ewing, notary public of said county, take the depositions of John C. Esem, Jas. W. Mullen, and A. Bagly, all residents of said county; and on the 16th day of April, 1873, at the county clerk's office, in Fleming County, Kentucky, before Jas. E. Smith, county judge of said county, take the deposition of M. Teager, county court clerk of said county. Said depositions, when taken, to be used and read as evidence in my behalf in a contest before the Forty-third Congress of the United States, wherein you are the contestant, and I am contestee. You may attend, if you choose, at such time and places.

JNO. D. YOUNG.

MARCH 27, 1873.

Executed by delivering a true copy of the within to John M. Burns on the 1st day of April, 1873.

R. B. McCALL, *Deputy.*
J. J. KOANS,
Sheriff Boyd County.

No. 19.—*Notice to take depositions.*

Mr. JOHN M. BURNS: You are hereby notified again, having failed in my former notice to state the place in Lewis County where I would take the depositions of witnesses named therein. I will on the 16th day of April, 1873, at the county clerk's office, in Vanceburgh, Lewis County, Ky., before J. R. Garland, county judge of said county, take the depositions of J. P. M. Andrews, J. A. Sparks, N. B. Lewis, Adam Hamlin, L. B. Pugh, and R. H. Fisher, all residents of said county; and on the 16th day of April, 1873, at the county clerk's office in Nicholas County, Kentucky, before James W. Kenny, county judge, take the depositions of Jas. A. Campbell and Squire Shannon, all residents of said county; and on the 16th day of April, at the county clerk's office in Boyd County, Kentucky, before Thos. J. Ewing, notary public, of said county, take the depositions of John C. Eastham, James W. Mullens, and A. Bagby, all residents of said county; and on the 16th day of April, 1873, at the county clerk's office in Fleming County, Kentucky, before James E. Smith, county judge of said county, take the deposition of M. Teager, county court clerk of said county. Said depositions, when taken, to be read and used in evidence in my behalf in a contest before the Forty-third Congress of the United States, wherein you are

the contestant and I am contestee. You may attend, if you choose, at such time and place.

JOHN D. YOUNG.

MARCH 27, 1873.

Executed by delivering a true copy of the within to John M. Burns, the 1st day of April, 1873.

R. B. McCALL, *Deputy*
J. J. KOANS,
Sheriff Boyd County.

No. 20.—*Deposition of James W. Mullan.*

The deposition of James W. Mullan, taken on the 16th day of April, 1873, at the clerk's office, county court, in the town of Catlettsburgh, Ky., to be read as evidence in the contest between John M. Burns, contestant, and John D. Young, contestee, pending in the Forty-third Congress of the United States.

The contestant excepts and objects to the taking of depositions in this contest before T. J. Ewing, because he is not such officer as is authorized to take proof in contested-election cases, as is provided for by acts of Congress of 1851, or the amendment thereto, approved 10th January, 1873. The objection is overruled.

THOS. J. EWING,
Notary Public for Boyd County.

JAMES W. MULLAN, being duly sworn and of lawful age, deposes and says: I reside in Catlettsburgh, Boyd County, and have been clerk since September, 1870. I am the legal custodian, by the laws of the State, of the poll-book, and at an election held for Congress, in the tenth congressional district, the following are the names of the officers who compose the examining board of said election to compare ballots of said election: John D. Ross, judge of Boyd County, James W. Mullen, clerk of Boyd County court, John J. Kouns, sheriff of of Boyd County. Ballot-boxes of each precincts delivered duly locked and sealed by the sheriff of each election precint.

Precinct No. 1. Forty-six ballots in all recorded on poll-book for member of Congress; 35 ballots found in box, marked John D. Young; 10 ballots marked Hon. John M. Burns. Certificate showing above vote properly certified by officers of election.

Precinct No. 2. Officers did not sign names to oath, but sheriff certifies that he swore them. Clerk of election left name of precinct blank, and name of county blank on each page of poll-book; 53 ballots found in box, marked Hon. John M: Burns; 65 ballots found in box, marked John D. Young; same properly certified by officers of the election.

Precinct No. 3. No certificate that officers of election were sworn found in ballot-boxes. Twenty-seven ballots marked John D. Young; 50 ballots marked Hon. John M. Burns; 1 ballot marked John M. Burns.

Precinct No. 4. Officers signed oath, certificate that they were sworn; 26 ballots found in box marked John D. Young; 111 ballots marked Hon. John M. Burns; same properly signed by officers of the election.

Precinct No. 5. Officers sign oath and certificate that they were sworn; 118 ballots found in box for Young, viz: 1 ballot printed for Congress,

tenth district; John D. Young, of Bath County, 14 ballots, written John D. Young; 103 ballots printed John D. Young. Found in box 215 ballots for Burns, as follows: 2 marked John M. Burns; 8 marked John M. Burns, of Boyd; 3 marked tenth district, John M. Burns, of Boyd; 1 marked tenth, John M. Burns, of Boyd; 8 marked for Congress, tenth district, John M. Burns; 193 marked Hon. John M. Burns; 215 votes for Burns, and 118 for Young, properly certified by the officers of the election.

Precinct No. 6. Found in ballot-box 143 ballots for Young; 1 written John D. Young; 1 printed for Congress, tenth district, John D. Young, of Bath County; 141 printed John D. Young. Found in ballot-box 198 ballots for Burns; 1 written John M. Burns; 1 printed for Congress, tenth district, John M. Burns, of Boyd; 1 printed, W. Ander, for Congress, tenth district, John M. Burns, of Boyd, 1 of Boyle, th district; alt. Montgomery, tenth district; Anderson, of Fleming; for Congress John M. Burns, of Boyd; 194 printed Hon. John M. Burns. State of poll-books when received by county clerk, sealed.

Each page of poll-books signed by clerk District No. 1.

Each page of poll-books signed by clerk District No. 2.

Clerk did not sign his name to any page No. 3.

Clerk signed his name to each page No. 4.

Clerk signed his name to each page No. 5.

Clerk signed his name to each page No. 6.

The county judge, county clerk, and sheriff did not throw out any votes or ballots for either candidate while acting as examining board; but counted the ballots to each candidate as found in the boxes, and certified same to secretary of state.

Precinct No. 5. Officers certifies that votes as the ninth congres n district, instead of the tenth.

The contestant, without waiving the exceptions taken at the beginning of this deposition, asks the following questions, under protest:

Question. Of what political party is J. D. Ross, J. W. Mullan, and J. J. Kouns, the examining board for this county, and the officers of the election in the second district, this county?—Answer. I am a democrat. I believe that John D. Ross and J. J. Kouns profess to be the same. Officers of the election of precinct No. 2, Boyd County, were J. C. Foster, H. S. Hutchison, judges, John J. Kouns, sheriff, and J. T. Prichard, clerk. I am not acquainted with J. C. Foster; do not know his politics, but on poll-books of said election voted for Grant and Wilson, or one J. C. Foster voted for Grant and Wilson, whether it is him or not; the other officers, generally, vote the democratic tickets.

Q. In district No. 5 in Boyd County, and were the officers of the election therein, on 5th November last, appointed by the Boyd County court? When, if ever, was this changed to tenth district (cong.)?—A. District or precinct No. 5 is in Boyd County. Act of the legislature of Kentucky creating the tenth congressional district took effect and was approved March 18, 1872, (see Session Acts 1871 and '72, Vol. No. 1, pages 53 and 54.) The officers appointed by the Boyd County court at its July term, 1872, for the above election at precinct No. 5, in said county, were Owen Byrne, R. D. Callihan, judges, Ben. Pennybaker, sheriff, Joseph Robert, clerk.

Q. Did the officers of that precinct report the result of the vote therein to your office?—A. They returned poll-book, with votes cast, over their names.

Q. When you say "ballots marked," do you, or not, use "marked" for written or printed?—A. Yes.

Q. Your testimony seems to indicate that in district No. 1 there are 46 names on the poll-book, and only 45 ballots; can you account for it?—A. There were only 45 ballots in ballot-box; do not know why there was one more name recorded on poll-book than ballots found in box.

Q. Is the poll-book for district No. 3 in the handwriting of the clerk of the election?—A. I have never seen him write; am not acquainted with his handwriting.

Q. Are the votes recorded, the result, and the clerk's signature, in the same handwriting? Does his name appear as a voter on the poll-book; and is the return on the same poll-book you sent to the officers of the election in district No. 3?—A. I believe it is. His name appears as a voter upon the poll-book as the last one who voted at said election. I believe the poll-book now before me, for district No. 3, to be the same I delivered to the sheriff of said county to be delivered to the officer of said precinct.

Q. Do you know of any ballots for J. M. Burns being thrown out in this county?—A. No, sir.

Re-examined:

Q. Who are the examiner board of the poll-books of election by the laws of Kentucky?—A. County judge, county clerk, and sheriff.

Q. Was the county judge, clerk, and sheriff the parties who acted as the examiner-board of the poll-books which you have been testifying about?—A. Yes, sir.

JAMES W. MULLAN.

I, Thomas J. Ewing, notary public for Boyd County, Kentucky, do certify that the foregoing deposition of James W. Mullan was taken before me, and was read to and subscribed by him in my presence at the time and place, and in the action mentioned in the caption, the said Mullan having been first duly sworn by me that the evidence he should give in the action should be the truth, the whole truth, and nothing but the truth, and his statement reduced to writing by me in his presence; the contestee and contestant both being represented by attorneys.

Given under my hand and seal this 16th day of April, 1873.

[SEAL.] THOMAS J. EWING,
Notary Public for Boyd County.

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43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 23.

COMMISSIONERS OF CLAIMS.

THIRD GENERAL REPORT

OF

THE COMMISSIONERS OF CLAIMS,

SUBMITTED

DECEMBER 8, 1873.

DECEMBER 12, 1873.—Referred to the Committee on War-Claims and ordered to be printed.

To the Honorable the SPEAKER *of the House of Representatives:*

SIR: The Commissioners of Claims respectfully present their third general report.

The first and second general reports, presented in December 1871 and 1872, contain a full statement of the rules as to presenting and proving claims, and of the principles upon which we allow or reject them. We deem it sufficient to refer to those reports.

I. The time for presenting claims to this commission expired on the 3d of March, 1873. By referring to our last general report it will be seen that the whole number of claims presented up to the end of November, 1872, was 17,700, and the aggregate amount claimed $45,004,104.48.

The monthly receipts of claims since, up to the 3d March, 1873, have been as follows:

December, 1872	658
January, 1873	804
February, 1873	1,621
March, (the first three days)	1,515
Total	4,598

The amount of the above claims was $15,254,045.96.

The whole number of claims presented to the commissioners is 22,298.

The gross amount of all the claims filed is $60,258,150.44.

The number disposed of in our—

First report was	580
Second report was	2,209
(This) third report is	2,465
Total	5,254

The aggregate amount of the claims so passed upon is $10,224,386.32.

There remain, therefore, 17,044 claims, amounting to $50,033,764.12, yet to be disposed of.

II. The act of Congress of May 11, 1872, requires that in all cases exceeding $10,000 the witnesses for the claimant must be examined orally before us. This obliges the claimant to bring his witnesses to Washington, for there is no provision in the law authorizing us to take the testimony of claimants elsewhere than at Washington, and providing for the expense thereby incurred.

Annexed is a table of the claims, showing the amounts by tens of thousands. From this it appears that 949 claims, exceeding $10,000 each, have been presented; of this number 50 claims exceed $100,000, and 145 exceed $50,000. Some of these have been reduced below $10,000 by the voluntary act of the claimants. About 138 have been disposed of in this and former reports.

III. We present herewith special reports in 2,465 cases. Of this number there are—

Wholly disallowed	1,3[illegible]
Allowed in whole or in part	1,0[illegible]
Total	2,4[illegible]

Of the number *disallowed*, 249 are claimants who have served in the confederate army or furnished a substitute; and 56 are of persons who were in the civil service of the confederacy, or who took the oath of allegiance to the confederacy.

Of the number *allowed*, 164 are persons who served in the United States Army.

The aggregate amount claimed in these 2,465 cases is $4,717,887.[illegible]

Amount allowed	$643,713.[illegible]
Amount disallowed	4,074,174.[illegible]
Total	4,717,887.[illegible]

Many cases, especially from Alabama, Mississippi, and Louisiana, remain in our hands, heard, partly examined, but not finished, because our special agents have not been able to find time to examine them and report to us. This has been owing partially to their necessary investigation of claims in other States, and in part (in Mississippi and Louisiana) to the prevailing sickness which interrupted their work.

It is but justice to the special agents to say that they have worked industriously, and that their services have been of great value.

IV. The numerous disallowances of claims in which the testimony offered did not satisfy us of the loyalty of the claimant or of the justice and validity of the claim have been followed by efforts on the part of claimants to get their cases reconsidered. Our only action upon the matter so far has been to receive petitions for the rehearing of claims whenever the claimant sets forth specifically, over his own signature, and upon oath or affirmation, what new and material facts he relies upon to prove the disallowance to be erroneous, what witnesses are to prove the alleged facts, and why the proposed new evidence was not produced on the original examination. We also require the affidavits of the intended witnesses to be filed, embracing all the matters upon which they will testify. Until somewhat relieved from the pressure of unreported cases it will be impracticable to take up any disallowed claims for reconsideration.

V. In consequence of frequent applications from volunteer officers and other adherents of the Union cause who had served or resided or now live in the insurrectionary States, for information concerning the claims brought before the commissioners, measures were taken, as soon

as all the claims had been filed, to prepare a printed list, giving the name of each claimant, the State and county in which he resides, or in which his property was taken, and the number and amount of his claim. In the preface to the list explanation is made of the facts that the names were those of professed adherents to the cause and Government of the United States during the rebellion, and the amounts charged the value of the personal property taken for the necessary and proper use of the Union Army. This list, containing the recorded particulars of nearly 23,000 claims, has been extensively circulated and distributed wherever it has been thought probable that information serviceable to the just determination of claims might be obtained, and it is intended to continue the distribution as long as such a measure is deemed advisable.

VI. TOBACCO.—As we now, for the first time, present reports allowing for tobacco taken for Army use, we desire to state the reasons for such allowances.

Tobacco was never by law made an Army supply till the act of March 3, 1865, provided that it might be furnished at cost to those who desired it, and at their expense. All the claims for tobacco which have been examined by us are for tobacco taken before that date.

After the capture of Atlanta, in September, 1864, General Sherman found that he was short of rations for his army, and that the soldiers were subject to many privations. To make his army contented, and, as far as possible, to make up to them for their usual rations, of which they were for the time deprived, he issued an order on the 8th of September, 1864, authorizing the chief commissary of subsistence to take possession of and issue to the troops all the tobacco in Atlanta, and give certificates thereof to the owners, to be accounted for in accordance with existing orders.

Pursuant to this order tobacco belonging to George J. Stubblefield was taken, and upon his making claim for payment the commissary department recommended, "As this tobacco was taken *by order of General Sherman* and issued to the troops *in lieu of other rations*, and as the loyalty of the claimant is clearly established," that payment should be made. This was approved by the Secretary of War, Mr. Stanton, and the claim was paid.

The payment stands upon the ground that when an army is deprived of its usual rations the commanding general can, in his judgment, authorize an article not a supply to be taken and used for the time being as a supply and *in lieu of other rations*; and in such case the Government is bound to pay for it. We have strictly followed this precedent, and have not allowed for tobacco except when taken under this order.

VII. We have heretofore set forth the necessity that exists for more clerks in order to dispatch with reasonable speed the business of the commission. We again respectfully request attention to this subject.

It is a great hardship for a loyal and honest claimant to be delayed year after year in the examination and payment of his just claim. But it would be unjust to the Government to allow claims without thoroughly and carefully examining all reasonable sources of information, in order to determine whether the claimant is loyal and the claim just.

A thorough examination of the rebel archives, and of the papers purchased, as furnishing evidence in claims against the Government, is very essential. In this we have been greatly aided by the Secretary of the Treasury, the Secretary of War, and the Adjutant-General, and the subordinate officers of these Departments and bureaus having the custody of these papers. But there is much in the examination of these papers that we cannot reasonably ask them to do, and for which we have no clerks to spare.

So, too, in preparing summaries of the evidence taken by speci commissioners, of papers, often long and bulky, received from the D partments, and heretofore used on behalf of claimants, in examinin papers received from the Treasury and War Departments, and makin copies of them for Congress, and in giving directions to agents in exan ing claims, there is a great amount of work to be done which might we be done by clerks under the instruction of the commissioners.

A moderate increase in the number of clerks would greatly relie the commissioners, and enable them to devote more time to the deci ion of cases, and thus aid in the work of the commission.

ASA OWEN ALDIS,
J. B. HOWELL,
ORANGE FERRISS,
Commissioners of Claims.

WASHINGTON, D. C., *December* 6, 1873.

Table showing amounts of claims by ten-thousands.

Number of claims under		$10,000		21
From	$10,001 to	20,000		
	20,001 to	30,000		
	30,001 to	40,000		
	40,001 to	50,000		
	50,001 to	60,000		
	60,001 to	70,000		
	70,001 to	80,000		
	80,001 to	90,000		
	90,001 to	100,000		
	100,001 to	110,000		
	110,001 to	120,000		
	120,001 to	130,000		
	130,001 to	140,000		
	140,001 to	150,000		
	150,001 to	160,000		
	160,001 to	170,000		
	170,001 to	180,000		
	180,001 to	190,000		
	190,001 to	200,000		
	200,001 to	210,000		
	210,001 to	220,000		
	220,001 to	230,000		
	230,001 to	240,000		
	240,001 to	250,000		
	250,001 to	260,000		
	260,001 to	270,000		
	270,001 to	280,000		
	280,001 to	290,000		
	290,001 to	300,000		
	300,001 to	310,000		
	310,001 to	320,000		
	320,001 to	330,000		
	330,001 to	340,000		
	340,001 to	350,000		
	350,001 to	360,000		
	360,001 to	370,000		
	370,001 to	380,000		
	380,001 to	390,000		
	390,001 to	400,000		
	400,001 to	410,000		
	410,001 to	420,000		
	420,001 to	430,000		
	430,001 to	440,000		
	440,001 to	450,000		
	450,001 to	460,000		
Total				22,2

SCHEDULE OF CLAIMS REPORTED.

Name.	Amount claimed.	Amount allowed.	Amount disallowed.
ALABAMA.			
Allen, Asa F	$2,704 00	.....	$2,704 00
Allen, Lindsey	2,384 06	.....	2,384 06
Allen, Robert	150 00	$120 00	30 00
Amerson, Young R	300 00	300 00	.....
Appling, Francis B	150 00	.....	150 00
Appling, Richard	745 00	.....	745 00
Armistead, Woodson	1,240 00	783 00	457 00
Armstrong, estate of James	2,106 25	1,055 00	1,051 25
Ashcraft, Thomas	140 00	125 00	15 00
Austin, William A	4,438 50	2,400 00	2,038 50
Baker, James C	262 50	.....	262 50
Baker, Joseph	1,032 25	266 00	766 25
Ballenger, William M	615 00	315 00	300 00
Barton, John M., sr	660 00	470 00	190 00
Bates, David F	369 00	.....	369 00
Bell, James H	1,600 00	.....	1,600 00
Berry, estate of Richard	2,782 00	.....	2,782 00
Bibb, Elizabeth C	2,570 00	.....	2,570 00
Boring, Isaac J	1,673 50	.....	1,673 50
Boshell, Andrew J	187 50	150 00	37 50
Bouldin, Elijah	1,880 00	1,060 00	820 00
Bradley, Margaret	200 00	.....	200 00
Brakefield, Robert	325 00	125 00	200 00
Broadfoot, Charles W	875 00	.....	875 00
Brown, John, sr	552 00	.....	552 00
Bruce, Murphy	65 00	65 00	.....
Bruton, Marvel M	150 00	110 00	40 00
Bull, Russel S. S	242 65	123 90	118 75
Burton, Cader	303 75	.....	303 75
Burton, Peter S	157 00	.....	157 00
Cagle, John F	243 75	143 75	100 00
Cameron, Daniel	800 00	.....	800 00
Campbell, Adam	470 00	220 00	250 00
Campbell, James F	165 00	.....	165 00
Campbell, John R	96 00	48 00	48 00
Carden, Leonard W	186 00	136 00	50 00
Carter, Charles W	758 00	.....	758 00
Carter, Mary R	200 00	.....	200 00
Christian, Thomas A	150 00	125 00	25 00
Christian, W. H	2,054 50	.....	2,054 50
Clark, James W	396 25	243 75	152 50
Cole, Alice	843 20	.....	843 20
Collins, Alfred	484 00	476 00	8 00
Conn, James	625 00	.....	625 00
Cooper, James	125 00	125 00	.....
Cooper, John	2,312 45	.....	2,312 45
Copeland, Washington	481 00	336 00	145 00
Cordell, Susannah	359 00	175 00	184 00
Cross, George	100 00	100 00	.....
Crump, William M	520 00	.....	520 00
Curtis, Benjamin F	150 00	125 00	25 00
Davis, George	220 00	220 00	.....
Davis, James B	853 75	.....	853 75
Day, William B	300 00	200 00	100 00
Dennis, Robert	414 00	.....	414 00
Downey, Alfred	262 00	.....	262 00
Dunkinson, John J	665 00	530 00	135 00
Eason, Uriah	356 50	.....	356 50
Ford, Mary	210 00	105 00	105 00
Ford, William, jr	205 00	135 00	70 00
Hammond, Freeman R	379 00	266 00	113 00
Hanson, William M	125 00	.....	125 00
Harriet, Burrell	375 00	200 00	175 00
Hay, Pleasant E	250 00	200 00	50 00
Hays, Patrick B	2,644 00	1,433 00	1,211 00
Hill, William	150 00	.....	150 00
Hinson, Joseph	206 00	.....	206 00
Hinson, Mary	150 00	.....	150 00
Jeremiah F	285 00	220 00	65 00
Thomas B	150 00	120 00	30 00
King, David D	449 25	127 50	321 75
William	200 00	150 00	50 00
Lillam	261 00	121 00	140 00
Henry	415 00	210 00	205 00
Joseph	1,548 50	.....	1,548 50
Alice	275 00	200 00	75 00
Reuben A	200 00	.....	200 00
Samuel H	89 00	70 00	19 00
Lewis A	325 00	265 00	60 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	ALABAMA—Continued.			
7218	Godfrey, Freeman	$180 00	$130 00	$50 00
1771	Goggin, Edward T	464 50	336 50	128 00
12096	Gordon, estate of Abraham	330 00	.....	330 00
14650	Gordon, Caroline M	187 50	120 00	67 50
9849	Graham, Priscilla	205 00	.....	205 00
7099	Graham, William	672 00	.....	672 00
4347	Green, Thomas U	1,715 00	850 00	865 00
18720	Guttery, Isham, jr	400 00	.....	400 00
3128	Guttery, Robert	1,340 00	1,290 00	150 00
2751	Hackworth, John	1,963 00	785 00	1,178 00
6499	Hamilton, William G	357 50	.....	357 50
11632	Hamner, John	475 00	360 00	115 00
2228	Harris, Francis C	631 00	145 00	486 00
2657	Harrison, Percy L	2,930 00	1,550 00	1,380 00
11233	Haws, George W	828 00	421 00	407 00
11255	Hayes, John S	480 00	.....	480 00
17659	Hightower, James W	2,895 00	.....	2,895 00
10505	Hisaw, William	215 50	135 00	80 50
1212	Hocut, Robert T	272 50	167 50	105 00
3964	Hodges, Redden	200 00	.....	200 00
1767	Hodge, John K	210 00	.....	210 00
11758	Hunter, Robert S. M	228 00	150 00	78 00
3048	Ingle, estate of Katharine	200 00	150 00	50 00
12299	Ingle, Sarah C	180 00	95 00	85 00
6692	Johnson, Henry F	1,109 00	.....	1,109 00
3137	Jones, Anthony	225 00	125 00	100 00
11636	Keetan, Sarah F	150 00	125 00	25 00
2066	Keeton William	232 75	160 00	72 75
7541	Kennemer, David, sr	167 50	167 50	.....
5201	Kiper, Elizabeth	494 00	.....	494 00
2019	Kilbourn, Russell M	2,774 00	.....	2,774 00
6505	Kilgore, George	235 00	235 00	.....
849	Ladd, Bayless E	5,537 40	2,398 00	3,139 40
2391	Lamberson, Leonard F	1,004 00	652 00	352 00
6259	Lea, William	428 00	347 00	81 00
4831	Leach, Cain	1,180 00	.....	1,180 00
4832	Leutz, estate of John W	318 50	250 00	68 50
15917	Levy Harris	200 00	.....	200 00
11884	Lewis Thomas P	325 00	.....	325 00
9166	Logan, John C	125 00	100 00	25 00
7833	Lovett, Elijah	450 00	.....	450 00
12920	McBurnett, Albert	595 00	505 00	90 00
10348	McCaleb, John T	220 00	130 00	90 00
7610	McCrary, Samuel	882 45	368 00	514 45
10347	McDonald, Alexander	200 00	130 00	70 00
2071	McGough, William	345 00	270 00	75 00
12230	McGuire, Lee T	200 00	.....	200 00
11886	McGuire, Moses	325 00	.....	325 00
16159	McKay, Johnson	1,062 50	.....	1,062 50
6035	McMillion, Amon	385 00	310 00	75 00
3146	Macbee, Martin	650 00	480 00	170 00
6507	Madison, Susan	165 00	165 00	.....
2499	Matthews, Stephen J	2,667 50	.....	2,667 50
7835	Moody, Reuben	1,018 00	717 00	301 00
16340	Moore, John	850 20	.....	850 20
1229	Moore, Louisa F	340 00	280 00	60 00
1161	Morrow John S	820 00	.....	820 00
9455	Mullins, William S	345 75	.....	345 75
3190	Myers, Thornton	311 50	106 00	205 50
8044	Nabors, William	335 00	200 00	135 00
3149	Naremore, Polly A	177 00	.....	177 00
9107	Owens, Samuel	204 00	100 00	104 00
7237	Owens, Sarah	616 00	.....	616 00
11286	Peacock, Jourdan	1,762 90	.....	1,762 90
7836	Pepper, Edwin	424 00	275 00	149 00
9148	Pettit, Thomas	912 50	459 00	453 50
1592	Phillips, Pleasant D	461 00	304 00	157 00
4652	Picard, J. J	875 00	.....	875 00
7544	Pike, Philip P	376 00	253 00	123 00
4036	Plowman, George P	2,950 50	.....	2,950 50
3191	Potts, James T	1,466 00	780 00	686 00
12023	Price, Sarah A	2,672 50	.....	2,672 50
2971	Pruitt, Robert	350 00	.....	350 00
611	Ray, Daniel J	700 00	.....	700 00
9458	Raynes, Samuel	1,330 00	968 00	362 00
5376	Reed, William	132 50	90 00	42 50
5637	Rikard, William	391 00	364 00	27 00
15444	Roberson, John P	2,293 50	.....	2,293 50
11639	Robinson, George H	308 45	237 00	71 45

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	ALABAMA—Continued.			
2757	Rodgers, Benjamin	$1,146 40	$475 00	$671 40
6234	Rudd, Isaiah	789 00	380 00	409 00
6701	Rudder, Eliza Jane	1,439 00	120 00	1,319 00
10255	Safford, Mary E	3,000 00	.....	3,000 00
5835	Sammons, Grove	2,606 50	717 00	1,889 50
9108	Sandlin, Daniel	174 50	122 00	52 50
11015	Scott, Carter	800 00	472 00	328 00
9109	Self, John C	102 00	77 00	25 00
1764	Sloan, William	327 00	201 00	126 00
19503	Smith, Patsy A	120 50	95 00	25 50
18562	Sparks, Riley	1,326 00	.....	1,326 00
6042	Squires, Alexander	150 00	.....	150 00
625	Standefer, Lemuel J	3,539 00	.....	3,539 00
6040	Stanley, Eliza H	175 00	140 00	35 00
6242	Starling, Abraham H	1,050 00	.....	1,050 00
11640	Stavall, Green P	214 50	187 00	27 50
10333	Stinson, William	317 00	.....	317 00
13108	Stoker, Henry	350 00	.....	350 00
9461	Studdard, David	300 00	150 00	150 00
6514	Studdard, Samuel	200 00	175 00	25 00
16053	Sutherland James	100 00	100 00	.....
11887	Swindle, Jesse	458 00	382 00	76 00
6520	Tanner, James M	1,140 25	696 50	443 75
556	Taylor, Charles A	140 00	140 00	.....
2670	Taylor, Pleasant	320 00	275 00	45 00
6244	Templeton, James H	192 00	182 00	10 00
8872	Thompson, Samuel	590 00	.....	590 00
12232	Thompson, Thomas	352 50	.....	352 50
7552	Thra, Jesse V	705 00	480 00	225 00
1772	Tiner, Stephen J	180 00	140 00	40 00
10162	Todd, Jacob W	819 00	.....	819 00
6045	Tompkins, Christopher C	200 00	150 00	50 00
1882	Tompkins, Clark M	1,540 00	.....	1,540 00
12932	Underwood, Nimrod T	422 00	307 00	115 00
9111	Vest, William A	200 00	140 00	60 00
7121	Warren, Samuel D	422 75	.....	422 75
2659	Watkins, John S	2,567 37	.....	2,567 37
5525	Wells, Andrew	185 50	.....	185 50
1763	Wesson, John W	694 85	.....	694 85
13966	West, Lucinda	160 00	140 00	20 00
3378	White, Thomas	1,713 75	.....	1,713 75
8049	Whitson, Thomas J	244 00	.....	244 00
6047	Whitson, William T	250 00	.....	250 00
9462	Williams, William W	653 50	.....	653 50
16191	Woosley, estate of William	2,869 50	.....	2,869 50
11984	York, William E	386 00	.....	386 00
15472	Young, John T	465 10	.....	465 10
2658	Young, Samuel E	832 75	.....	832 75
	ARKANSAS.			
11359	Abbott, Elisha G	63,660 00	.....	63,660 00
14032	Addy, Jerusha C	502 00	.....	502 00
9877	Aiken, John	825 00	640 00	185 00
10772	Alderson, Jesse W	1,310 00	533 00	777 00
13141	Ayliff, Charles	9,985 00	.....	9,985 00
10798	Bailey, Mary	1,032 00	.....	1,032 00
13278	Ballard, Margaret	550 00	275 00	275 00
11163	Ballon, Rice M	825 00	.....	825 00
14540	Banks, Mary E	140 00	.....	140 00
10858	Barr, John F	682 00	.....	682 00
11670	Barton, John W	1,715 50	.....	1,715 50
9575	Bates, James F	830 00	550 00	280 00
10781	Berry, William P	862 50	744 00	118 50
1098	Bloyed, William	295 00	185 00	110 00
11684	Bogan, Mrs. Timmy	392 00	.....	392 00
11003	Bolinger, H. H	125 00	.....	125 00
5779	Bone, Martha A	230 00	136 00	94 00
9236	Bonham, George	715 00	360 00	355 00
12580	Box, James R. and Martha B	140 00	.....	140 00
12067	Boyer, Elizabeth	2,600 00	1,593 00	1,007 00
16329	Braduer, Alonzo A	575 00	425 00	150 00
9122	Bradshaw, Elisha J	1,528 00	1,109 00	419 00
15742	Brashears, Eliza	209 00	.....	209 00
4568	Brickey, James N	325 00	300 00	25 00
19429	Brooks Thomas	330 00	160 00	170 00
15714	Brown, James A	9,005 00	.....	9,005 00
11872	Bryant, Berry	100 00	70 00	30 00
13980	Buchanan, John	1,959 50	1,533 00	426 50
5781	Burgin, Elijah P	1,237 00	.....	1,237 00
12548	Bushong, James S	2,750 00	1,100 00	1,650 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	ARKANSAS—Continued.			
11755	Butler, James A	$250 00	$125 00	$125 00
6939	Bybee, Rosia A	560 00	225 00	335 00
16394	Cain, Cornelius	754 00		754 00
15389	Caldwell, Ruth A	494 00	256 00	238 00
5369	Campbell, William	1,999 00	450 00	1,549 00
1090	Carney, George G	125 00		125 00
13953	Carter, David	220 00	220 00	
4154	Cate, Henry T	1,575 00		1,575 00
1136	Caughman, William H	115 00	100 00	15 00
11618	Champ, estate of Hernis	200 00		200 00
4156	Chandler, Preston	880 00	623 00	257 00
816	Chapman, Wilson	385 00		385 00
13194	Chenault, Nancy	3,327 50		3,327 50
11549	Chitwood, Russell B	1,252 00	997 00	255 00
2709	Colclasure, Margaret	100 00	100 00	
15743	Cole, William H	270 00		270 00
14034	Coleman, Hawes H	2,230 00		2,230 00
3785	Combs, Joel A	60 00	60 00	
1320	Combs, Nathan	606 00		606 00
9794	Coonfield, Isaac	835 00	144 00	691 00
13643	Cooper, Maria	822 50		822 50
5730	Coppock, Olive	660 00		660 00
1092	Curtis, Franklin F	550 00	225 00	325 00
13512	Curtis, John	850 00	420 00	430 00
5776	Curtis, John N., and Austin, Thomas	4,630 80		4,630 80
11664	Dailey, William M	200 00	150 00	50 00
10844	Davidson, Elizabeth	415 00		4 5 00
13954	Davis, Catharine	211 50	159 50	52 00
9610	Deans, Andrew	1,207 50		1,207 50
19918	Dell, Valentine	939 50	403 00	536 50
9796	Derreberry, Samuel B	1,443 00		1,443 00
12287	Diamond, Eli T	2,915 00		2,915 00
11873	Dotson, Isaiah	458 00	138 00	320 00
12062	Dudley, William M	425 00	100 00	325 00
2202	Edens, Landon C	1,565 50	567 00	998 50
1476	Engels, William H	2,450 00		2,450 00
13356	England, Mary A	1,322 50		1,322 50
4169	Essex, Isaac	437 00	316 50	120 50
5324	Ewing, Young	875 00	180 00	695 00
9919	Fair, Nancy H	2,718 00		2,718 00
15325	Fallin, Robert R	250 00	220 00	30 00
12037	Fitzgerald, Bishop Edward	10,000 00		10,000 00
14541	Fitzgerald, Isaac S	165 00	130 00	35 00
18853	Fitzhugh, Samuel H	1,957 00		1,959 00
13736	Foster, John W	3,215 50		3,215 50
1181	Gallagher, Anthony	2,075 00	315 00	1,760 00
11490	Gallaher, Henry	825 00		825 00
6388	Gardner, William, sr	818 00	306 00	512 00
14569	Gilbreath, Henderson W	165 00	150 00	15 00
5225	Gilstrop, Wesley H	150 00	100 00	50 00
18109	Givens, Martha R	1,875 00		1,875 00
5483	Goddard, King R	420 00		420 00
4158	Goddard, Tandy M	2,386 00	1,136 00	1,250 00
11616	Goodner, Sardis S	1,514 00		1,514 00
6965	Gordon, Frances R	2,333 50		2,333 50
2446	Graham, Emeline	165 00	65 00	100 00
14001	Graham, Wilson	120 00		120 00
3630	Gregory, Philip	771 00	441 00	330 00
5935	Hall, Amzi P	881 50	619 00	262 50
8710	Hamilton, Henry	1,530 00	250 00	1,280 00
5370	Hanks, Nathan D	1,101 00	362 00	739 00
11371	Hardin, Tarlton	150 00	100 00	50 00
9620	Harral, Isaac	1,233 00	540 00	693 00
9621	Harrell, Leaman	800 00		800 00
12926	Harris, Thomas B	255 00		255 00
1083	Harston, James D	1,470 00	220 00	1,250 00
9622	Henderson, Michael C	1,344 00		1,344 00
818	Hester, Ransom	1,363 00		1,363 00
11672	Highnight, Chester A	453 00		453 00
4472	Hodges, William	152 00	142 00	10 00
9623	Holt, DeKalb	1,055 00	765 00	290 00
12244	Horn, John H	594 25		594 25
13129	Howard, Lemuel B	150 00		150 00
18808	Hunt, William	100 00	100 00	
1097	Hutcheson, John J	439 00	263 50	175 50
12283	James, Manning R	100 00		100 00
5787	Jeffries, Obedience	475 00	335 00	140 00
2447	Jenkins, Lloyd	2,821 95		2,821 95
16327	Johnson, Andrew J	275 00	250 00	25 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	ARKANSAS—Continued.			
17619	Johnson, Henrietta M	$945 00	.....	$945 00
15224	Johnson, estate of John J	6,900 00	.....	6,900 00
11769	Johnson, Mary	1,540 00	.....	1,540 00
18333	Jolly, Peter	350 00	$260 00	90 00
12285	Jones, Philip R	2,608 00	.....	2,608 00
139	Joyce, Oliver C	2,981 00	.....	2,981 00
1099	Karnes, Oliver L	260 00	152 00	108 00
14969	Keaton, John B	9,930 00	.....	9,930 00
11679	Kerr, Taliaferro S. B	1,120 00	.....	1,120 00
9033	King, Dickson P	895 00	140 00	755 00
9239	Lasater, Hezekiah T	1,207 00	929 00	278 00
14836	Lee, James H	239 50	.....	239 50
1899	Lewis, Brackin	230 00	.....	230 00
1137	Little, Benjamin F	200 00	130 00	70 00
1322	Lofton, Matilda	275 00	200 00	75 00
2711	Long, Moses B	225 00	80 00	145 00
3327	Luper, Gilbert	560 00	560 00	.....
9726	Lytal, George C	615 00	455 00	160 00
14031	McCallum, Edward	700 00	.....	700 00
9040	McCaslin, Webster	75 00	75 00	.....
10060	McCray, Henry N	3,012 00	.....	3,012 00
4879	McCreaner, Charles	9,950 00	4,400 00	5,550 00
5747	McCurdy, James K. P	150 00	110 00	40 00
8112	McCurdy, Samuel	336 90	.....	336 90
9027	McInterf, estate of Thomas	300 00	200 00	100 00
12251	McIntyre, James	921 00	246 00	675 00
11109	McKiel, estate of Josiah S	7,000 00	4,355 00	2,645 00
11681	McLaughlin, Thomas	525 00	380 00	145 00
9354	Mack, William	555 00	.....	555 00
13960	Mallecoat, Dedmon	480 00	235 00	245 00
14003	Males, James A	150 00	.....	150 00
2433	Mallett, Francis M	100 00	.....	100 00
2210	Marrs, Aaron A	1,072 00	.....	1,072 00
2211	Marrs, Alexander	980 00	506 00	474 00
2209	Marrs, Isaac N	410 00	235 00	175 00
1324	Martin, Caleb B	165 00	.....	165 00
6985	Martin Henry	468 00	170 00	298 00
5943	Martin, John S	705 00	251 00	454 00
1326	Martin, William J	300 00	.....	300 00
10520	Mason, Joseph D	852 00	255 00	597 00
9243	Mason, Littleberry E	1,285 00	331 00	954 00
686	Maxwell, Michael B	1,103 66	400 50	703 16
9921	Mayfield, Standwix H	2,694 00	.....	2,694 00
16393	Mays, Alexander	727 50	.....	727 50
9264	Medling, Martha C	1,298 00	.....	1,298 00
16402	Merrill, Joseph	9,968 75	1,200 00	8,768 75
9176	Mickil, Harmon	14,385 00	.....	14,385 00
12820	Miller, E. R	1,055 00	.....	1,055 00
8114	Miller, Mary A	1,393 50	750 00	643 50
11682	Minyard, James	307 00	.....	307 00
9787	Miser, Elizabeth	409 00	152 00	257 00
9281	Miser, John	1,715 00	.....	1,715 00
8879	Monds, Lorenzo D	150 00	150 00	.....
11001	Moody, Leroy	1,127 00	265 00	862 00
9038	Moore, Benjamin F	1,004 00	.....	1,004 00
12819	Moore, John R	125 00	125 00	.....
6077	Morrow Robert P	240 00	240 00	.....
14985	Muse, Stephen	425 00	300 00	125 00
1595	Neal, Elizabeth M	115 00	100 00	15 00
16386	Neighbors, Levin S	1,227 75	878 00	349 75
16389	Neighbors, William J	1,550 00	.....	1,550 00
13158	Nolan, Eliza M	290 00	.....	290 00
16387	Norman, Evaline	377 00	150 00	227 00
8115	Norwood. Robert	4,040 00	.....	4,040 00
9646	Oakley, James W	381 00	151 00	230 00
5792	Oaks, William	60 00	10 00	50 00
11339	O'Connell, Mary	150 00	100 00	50 00
11548	Oliver, Percilla	413 00	413 00	.....
8116	Orrick, William J	333 00	190 00	143 00
2418	Overstreet, William	729 00	562 00	167 00
15487	Packard, Amanda	2,120 00	.....	2,120 00
6825	Paine, Thomas B	1,200 00	.....	1,200 00
11002	Patrick, William	300 00	50 00	250 00
12063	Payne, Margaret J	2,173 50	1,266 00	907 50
17333	Pearce, Francis M	1,025 00	.....	1,025 00
9647	Pearson, Mahala A	556 00	356 00	200 00
4570	Peerson, Daniel L	100 00	100 00	.....
12938	Peil, estate of George	2,285 00	640 00	1,645 00
9258	Pelts, Benjamin	2,417 00	914 00	1,503 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	ARKANSAS—Continued.			
4255	Perkins, Dempsey	$545 00	$180 00	$365 00
16392	Perry, Claburn	835 00	270 00	565 00
16390	Perry, Mary A	325 60	----------	325 60
691	Phillips, Wilson	365 00	315 00	50 00
11874	Pinkerton, Joseph	190 00	25 00	165 00
2212	Pool, Augustus C	175 00	150 00	25 00
19620	Pope, Rebecca	910 00	480 00	430 00
15480	Powers, Henry H	320 00	260 00	60 00
11417	Prater, Elijah	200 00	200 00	----------
11673	Price, William R	415 00	----------	415 00
1494	Powett, James H	150 00	----------	150 00
11680	Pullen, John P	1,400 00	----------	1,400 00
13517	Pyeatt, Jesse H	300 00	----------	300 00
10863	Pyeatt, Martha J	823 00	----------	823 00
4768	Ramivaters, John	150 00	100 00	50 00
3631	Ramivaters, Matthew	317 50	105 00	212 50
11871	Ramey, Nancy	1,180 00	385 00	795 00
687	Ramsey, Samuel	783 50	146 00	637 50
12289	Ray, Lucinda C	694 00	75 00	619 00
9213	Reed, A. W	555 00	260 00	295 00
1596	Reed, Martha	382 50	180 00	202 50
14542	Reese, John	135 00	135 00	----------
12752	Rhodes, Frank	1,460 00	----------	1,460 00
8185	Rice, Charles W	3,750 00	2,068 00	1,682 00
12818	Richardson, David	200 00	----------	200 00
8117	Riddle, Matham	822 00	338 00	484 00
14939	Rieff, John H	87 00	62 00	25 00
2217	Rizley, Wilson	125 00	110 00	15 00
14522	Roberts, Mary	101 50	101 50	----------
12754	Robertson, William N	614 50	----------	614 50
19611	Robbins, Joseph	90 00	80 00	10 00
19965	Robbins, Lucinda	1,153 00	----------	1,153 00
1374	Robinson, David E	582 00	220 00	362 00
19410	Rodgers, Dinarzad	830 00	----------	830 00
12288	Rogers, Ezekiel	1,106 00	----------	1,106 00
11330	Rogers, Green W	1,011 00	421 00	590 00
8840	Rogers, James C. C	1,100 00	600 00	500 00
9044	Rogers, John C	1,200 00	700 00	500 00
8118	Rogers, Jonathan	1,060 40	----------	1,060 40
15392	Rogers, Samuel E	4,912 00	----------	4,912 00
9046	Rupe, David P	1,013 00	265 00	748 00
9652	Rupe, George W	664 50	250 00	414 50
15925	Rush, Nancy	150 00	65 00	85 00
18362	Russell, Juber	950 00	----------	950 00
1806	Rutherford, John W	122 00	122 00	----------
13064	Sagely, John C	425 00	125 00	300 00
12432	Sanders, Milton	657 20	----------	657 20
16103	Sawyers, John M	235 00	----------	235 00
5212	Scott, James D	727 00	----------	727 00
3455	Scott, James W	184 00	94 00	90 00
10629	Scott, William	250 00	200 00	50 00
11961	Selig, August	2,165 00	755 00	1,410 00
11960	Selig, Julius	1,350 00	775 00	575 00
18859	Shastid, Samuel	89 00	----------	89 00
16391	Shight, James	415 00	205 00	210 00
2219	Smedley, Green E	190 00	135 00	55 00
12286	Smith, George F	3,000 00	----------	3,000 00
11615	Sparks, estate of William C	797 00	240 00	557 00
13301	Spencer, Elijah	250 00	100 00	150 00
9772	Stephens, James B	240 00	190 00	50 00
9795	Stidham, David W	350 00	150 00	200 00
814	Stone, L. D	299 00	202 00	97 00
1375	Stone, Lucinda E	205 00	80 00	125 00
1094	Stone, Melissa J	162 50	120 00	42 50
9047	Stoppelman, Henry	1,271 00	230 00	1,041 00
12899	Strickler, William B	275 00	----------	275 00
12751	Sutton, Joseph G	1,350 00	----------	1,350 00
819	Sutton Seaborn	650 00	300 00	350 00
11675	Swink, Amanda, J	1,474 00	----------	1,474 00
14039	Tarver, Mahala	274 00	----------	274 00
1809	Taylor, Stewart	300 00	100 00	200 00
4160	Tennant, Thomas H	1,047 00	307 50	739 50
11676	Thomas, Nelson G	412 00	----------	412 00
16639	Thomason, Pleasant A	3,469 50	2,300 00	1,169 50
19010	Thompson, Elizabeth, A	130 00	100 00	30 00
12247	Thompson, Joseph S	2,040 00	----------	2,040 00
9669	Thompson, Josiah	1,667 00	335 00	1,332 00
18034	Tobin, estate of Patrick	1,610 00	476 67	1,133 33
5371	Toilett, estate of Henry	2,873 00	----------	2,873 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	ARKANSAS—Continued.			
4770	Tollett, William J	$1,421 00		$1,421 00
11153	Trice, Tazewell W	725 00	$400 00	325 00
7010	Tucker, Luke	225 00	200 00	25 00
11851	Turner, John P	2,217 50		2,217 50
9723	Vaught, Sarah Ann	1,164 00		1,164 00
18851	Wade, estate of Henry G	21,036 53	9,750 00	11,286 53
14294	Walker, Andrew J	446 60	172 00	274 00
16425	Walker, Susan	1,910 00		1,910 00
4571	Walker, William R	336 00	191 00	145 00
5322	Wallace, Ruth C	1,362 50		1,362 50
9788	Wammack, William	715 00		715 00
4278	Washington, Beaver	175 00	150 00	25 00
2933	Watson, John W	280 00		280 00
10100	Welborn, Abner C	2,999 00		2,999 00
11248	West, James S	3,020 00	2,029 00	991 00
3040	West, John Q	125 00	100 00	25 00
8121	White, Luther C	3,460 80	1,983 50	1,477 30
16284	Whitehead, Mary E., guardian	29,100 00	3,534 00	25,566 00
13360	Whitfield, William	1,789 50	399 00	1,390 50
11671	Whitten, Thomas	1,300 00	150 00	1,150 00
10853	Wilhite, Mary	115 00	115 00	
1492	Willbanks, William	50 00	30 00	20 00
9050	Willhaff, Mary	1,670 00	878 06	791 94
4161	Williams, Ira	1,520 00	569 00	951 00
8506	Williams, Parker	2,445 00	1,445 00	1,000 00
16290	Williamson, William W	1,730 00		1,730 00
11244	Willis, John T	1,702 00	415 00	1,287 00
8120	Wilson, Andrew L	280 00	170 00	110 00
1902	Wilson, James F	179 00		179 00
2220	Winkler, Samuel	200 00	100 00	100 00
16583	Womack, John A	200 00		200 00
9055	Wood, James M	1,432 00		1,432 00
12243	Wood, Pinckney C	400 00		400 00
9791	Woods, David C	269 00	244 00	25 00
9793	Woods, Elizabeth K	275 00	200 00	75 00
629	Woods, William H	788 00	386 00	402 00
8822	Wolley, Allen	2,990 00		2,990 00
14256	Wright, N. F	338 00		338 00
13116	Yaden, Thomas H	360 00	175 00	185 00
12242	Yarborough, William H	1,631 00		1,631 00
	FLORIDA.			
9904	Brooker, Joseph	1,400 00	840 00	560 00
15718	Ells, Thomas S	661 44	424 00	237 44
4550	Finlayson, Martha E	4,178 00	2,027 00	2,151 00
12000	Franklin, Frank	1,685 00	705 00	980 00
10127	Prescott, Moses	405 00	144 00	261 00
16285	Sheffield, Nancy	250 00		250 00
16178	Southwick, Emily	2,945 75		2,945 75
15207	Springer, estate of Stephen S	9,225 00	9,225 00	
	GEORGIA.			
17406	Adams, William B	800 00		800 00
11376	Allred, Lemuel J	2,997 00		2,997 00
12260	Amrous, Mary M	1,428 00		1,428 00
13596	Anderson, Samuel J	1,091 60		1,091 60
9157	Arendell, Susan	1,141 90		1,141 90
15819	Arnett, Edmund G	150 00		150 00
7390	Austin, John C	526 50		526 50
15106	Aycok, Nancy	681 24		681 24
9711	Baggs, David S	6,712 00		6,712 00
9338	Baggs, Mary E	2,112 50		2,112 50
7772	Bagwell, Willis	510 00		510 00
8622	Baldwin, William L	1,751 40		1,751 40
14910	Barker, George W	4,983 00		4,983 00
13472	Barnes, Henry	2,848 00		2,848 00
9873	Barnett, estate of Larkin	2,839 50		2,839 50
12518	Barron, Carey A	468 25	334 00	134 25
8705	Beaver, Jefferson J	100 00		100 00
10988	Beavers, Margaret	800 00		800 00
13422	Belcher, Obadiah R	825 00		825 00
16081	Bird, Philip H	200 00	140 00	60 00
10804	Blackwelder, Wilson	966 00		966 00
15993	Boatwright, James M	706 25	575 00	131 25
8898	Boggs, Zenus L	2,255 00		2,255 00
8830	Boone, John M	2,334 00		2,334 00
15761	Barge, Mary H	523 50		523 50

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	GEORGIA—Continued.			
4749	Calder, Elizabeth	$1,250 00		$1,250 00
4748	Calder, Susan	300 00		300 00
8671	Camp, Elias A	383 00	$233 00	150 00
580	Camp, Harry, trustee	964 00		964 00
15325	Camp, Hosea M	872 00	441 00	431 00
8631	Campbell, Lucy F	526 75		526 75
3936	Campbell, Nancy	472 00		472 00
6865	Campbell, Thomas P	247 00		247 00
7376	Campbell, William L	2,372 00		2,372 00
4590	Cannon, John M	765 50		765 50
15678	Carpenter, Mary W	1,202 00		1,202 00
6691	Carr, Jesse G	2,901 95	796 00	2,105 95
8618	Cash, Nancy	703 00		703 00
12529	Cheney, Andrew J	4,211 00		4,211 00
7566	Chewning, Ambrose	947 50		947 50
12450	Christian, Cephas A	679 50		679 50
944	Cleckler, Jacob	1,362 00		1,362 00
10532	Cockerill, Mary Ann	400 00	83 34	316 66
15021	Cole, Elizabeth	1,240 00		1,240 00
13394	Cole, John B	1,015 00		1,015 00
6694	Cone, Gilbert	715 00		715 00
16869	Cook, Henry K	1,644 00		1,644 00
7300	Cook, Isaac	1,380 50	441 50	939 50
7301	Cook, John W	1,080 00		1,080 00
3257	Cox, John	1,190 00	500 00	690 00
3348	Cox, Samuel W	1,271 34	430 00	841 34
8706	Crain, Andrew J	150 00		150 00
14261	Craven, Thomas W	670 00	456 00	214 00
13390	Crawford, Elizabeth M	755 00		755 00
17564	Crawford, John S. E. J	3,915 00		3,915 00
2473	Crow, James	1,116 75	283 00	833 75
15033	Cupp, William	942 00	100 00	842 00
13362	Cuthbert, Amy	2,475 00		2,475 00
11388	Daniel, Henry	665 00	295 00	370 00
15124	Davis, Archibald	900 00		900 00
15919	Davis, Clara R	5,359 50		5,359 50
3391	Davis, Larkin H	15,150 00		15,150 00
15832	DeLettre, Maximilian N	975 00		975 00
6324	Delpy, Amans	2,234 00	837 75	1,396 25
12336	Dempsey, Duke	76 00		76 00
348	Denton, Bartholomew	167 50		167 50
16539	Dickson, Eli H	1,525 00		1,525 00
16350	Dickson, Thomas	2,000 00		2,000 00
3297	Dixon, Warren N	960 50	350 00	610 50
4249	Duffy, John	595 00	437 00	158 00
16151	Dunn, John C	1,160 00	350 00	810 00
10218	Ebbs, William	2,964 05		2,964 05
16663	Elrod, Thomas	736 00	411 00	325 00
10219	Eppstein, John B	1,510 00		1,510 00
344	Eslinger, James S	454 00		454 00
2869	Faith, John	312 00		312 00
14161	Ficken, John	10,084 00		10,084 00
9676	Flynn, Thomas	1,912 80	685 00	1,227 80
10984	Foster, James M	2,915 00		2,915 00
1485	Fowler, Edward	2,994 22		2,994 22
6056	Frazer, Quibus	825 00		825 00
15992	Giebelhouse, Philip	4,720 00		4,720 00
16016	Gilbreath, Margaret	537 00	352 00	185 00
10618	Gilmore, Humphrey J. W	1,015 00		1,015 00
10987	Gillstrap, John J	350 00		350 00
15759	Gilbreath, Hiram H	535 00	335 00	200 00
10819	Goddard, Lucius	1,672 50		1,672 50
602	Goodwin, Starling	1,426 00		1,426 00
6752	Goolsby, William	1,856 00		1,856 00
8225	Gordon, June R	140 50		440 50
12517	Gray, James R	404 50		404 50
15683	Green, Andrew J	179 00		179 00
10973	Haddaway, William	1,744 50		1,744 50
14823	Hall, Fenton	179 80		179 80
2443	Hamilton, Benjamin	44,819 00		44,819 00
329	Harbin, N. P	51,438 00		51,438 00
12699	Harlow, James	1,520 00		1,520 00
12313	Harper, Matthew	1,660 00		1,660 00
12355	Harris, Sarah A	214 00		214 00
7470	Hawkins, William H	430 25		430 25
10992	Haynes, Nancy	1,300 00		1,300 00
34141	Headrick, Jacob B	997 00	340 00	657 00
4951	Henderson, estate of Robert	150 00	150 00	
15684	Henderson, William	1,608 19		1,608 19

Statement of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	GEORGIA—Continued.			
13602	Hill, James W	$600 00		$600 00
6618	Hoard, William	2,175 00		2,175 00
11395	Holland, Rhoda	470 00	$150 00	320 00
7475	Horn, John	951 75		951 75
923	Hughey, James M	1,303 75		1,303 75
15139	Humphreys, Benjamin	219 00		219 00
12345	Hunt, John M	700 00	170 00	530 00
10178	Hunter, W. R	1,322 00		1,322 00
7307	Hutchinson, Nancy	2,358 75		2,358 75
2202	Jefferson, James A	2,216 00		2,216 00
12566	Jenkins, Mary	471 60		471 60
7573	Johns, John B	750 00	267 00	483 00
12491	Johnson, George W	300 00		300 00
16352	Johnson, John W	530 00	177 50	352 50
7477	Johnston, John	1,271 00	829 50	441 50
3234	Jones, Mary A	246 00	194 00	52 00
10770	Jones, William D	2,820 60		2,820 60
15698	Kendy, Prince	4,996 25		4,996 25
5222	Keys, John B	515 00		515 00
14580	Kieffer, Allen N	2,338 00		2,338 00
13388	Kiker, Amelia	150 00		150 00
13612	King, Jane A	1,100 00		1,100 00
13592	King, Mary J	641 36		641 36
5686	King, Stephen	960 00	295 50	664 50
12568	Kinnebrew, Newton	2,897 00		2,897 00
16019	Kittles, Francis M	518 50		518 50
2734	Knight, Charles G	718 00		718 00
7289	Knox, Robert S	200 00	150 00	50 00
6325	Kreis, Michael	16,872 00		16,872 00
14318	Lavinder, George W	675 00		675 00
7377	Lawrence, William A. C	180 00		180 00
8465	Lee, John C	1,652 50		1,652 50
13460	Letson, Robert	390 00		390 00
10268	Lewis, George R	489 40		489 40
15820	Lewis, Harriet M	290 00	250 00	40 00
238	Longley, John C	755 00		755 00
4587	Love, William J	2,961 95		2,961 95
6879	Lovell, Madison	648 00		648 00
7843	Lowry, James	927 75	500 75	427 00
6326	Lynch, Michael	1,330 00	665 00	665 00
4518	Lynch, Peter	9,924 15		9,924 15
4585	McClure, John	2,787 50		2,787 50
7378	McConnell, Joseph A	1,200 00		1,200 00
14822	McCormick, William	3,138 70		3,138 70
15270	McGuire, Rosanna	430 10		430 10
3597	McHan, Alanson	448 00	373 00	75 00
114	McIntire, Robert	125 00		125 00
9411	McKeehan, J. G	150 00	75 00	75 00
13873	McMahan, Robert	585 00		585 00
16200	McMaster, Isabella J	1,870 00		1,870 00
7563	McMullen James	1,399 75		1,399 75
2868	Masters, James, sr	315 00		315 00
125	Meldrim, Ralph	542 97	181 00	361 97
10617	Meredith, James A	615 00	255 00	360 00
5383	Merriwether, Matilda A	3,820 00		3,820 00
14582	Metzger, George L	2,451 00		2,451 00
14817	Metzger, Moses	2,105 00		2,105 00
502	Middlebrook, Hiram	5,778 00		5,778 00
12339	Millican, Charles F	416 00		416 00
2872	Millirons, Rebecca	532 50		532 50
2220	Milner, Jonathan	105 43		105 43
323	Mitchell, James C	371 75	186 00	185 75
7485	Moore, Andrew J	1,113 25		1,113 25
6880	Morgan, Joseph D	1,782 00		1,782 00
12026	Morris, Christopher C	700 00		700 00
15108	Morris, Thaddeus H	444 84		444 84
13605	Moss, Flemmon	708 00		708 00
16637	Mosteller, Andrew	3,609 75		3,609 75
3599	Mozley, Isaiah J	546 25		546 25
16306	Müller, Martin	4,936 00		4,936 00
19905	Murphey, Millege	2,620 00		2,620 00
375	Nace, John M	455 80		455 80
719	Neal, William	1,615 00	380 00	1,235 00
14350	Nelson Andrew	593 50		593 50
16649	Nugent, Terence	3,587 98		3,587 98
15587	O'Bannon, Bryant	3,207 00		3,207 00
14328	Ohl, Joseph	3,094 00		3,094 00
17687	O'Steene, Mary	934 00		934 00
1 679	Oswalt, Rhoda Ann	367 60		367 60

Statement of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	GEORGIA—Continued.			
10513	Partridge, Robert F	$406 00		$406 00
12332	Payne, Obadiah E	1,462 80		1,462 80
7491	Perry, Oscar F	2,331 00		2,331 00
8709	Pewett, John R	90 25		90 25
7916	Phillips, estate of John W	450 00		450 00
15127	Phillips, William W	1,211 78		1,211 78
1939	Pike, John B	249 50		249 50
13382	Pitman, Nancy E	150 00		150 00
19906	Polhill, F. A	771 25		771 25
10005	Pounds, William N	339 62		339 62
18549	Price, Martha	4,806 50		4,806 50
11744	Raines, Webster M	33,305 00		33,305 00
6066	Ramsey, David R	1,305 00		1,305 00
6072	Ramsey, William P	1,247 50		1,247 50
8735	Randall, Lucy A	2,479 20	$1,075 20	1,404 00
14283	Rearden, Dennis	3,225 00		3,225 00
2965	Redwine, Mary A	1,286 50		1,286 50
546	Rhodes, Wesley	1,057 00		1,057 00
15214	Riesser, Christopher F	2,137 00		2,137 00
13406	Roberts, Michael A	675 00		675 00
10934	Robinson, Moses	898 00		898 00
4409	Robinson, Norvell M	2,965 00		2,965 00
3609	Rogers, Benjamin P	870 00		870 00
16095	Rogers, James H	515 00		515 00
17871	Ryan, Michael	667 00		667 00
15112	Sale, Smith D	2,250 00		2,250 00
13461	Saunders, Thomas J	2,230 00		2,230 00
10883	Scott, John	647 25		647 25
5029	Sells, Holmes	40,050 00		40,050 00
4250	Sewell, Susan C	150 00		150 00
4591	Shahan, Ann M	832 00		832 00
13459	Shy, Caroline F	2,920 00		2,920 00
10006	Simmons, Stephen S	300 00		300 00
9294	Simmons, Thomas J	505 00	380 00	125 00
4589	Sims, Louisa	238 66	169 66	69 00
7164	Smith, James J. M	643 00		643 00
10515	Speer, Guilford	463 50		463 50
13993	Stamm, Anton B	1,928 75		1,928 75
13098	Stephens, Absalom	2,155 99		2,155 99
3773	Stowers, Lewis	1,375 00		1,375 00
14971	Strauss, Peter	1,760 00		1,760 00
13917	Tanner, John C	2,800 00		2,800 00
13916	Taylor, Cicero H	595 00		595 00
9805	Temples, Henry	1,334 00		1,334 00
12306	Terrill, Francis E	776 00		776 00
5234	Terry, Noah	1,187 50	452 50	735 00
16650	Thieme, August	4,973 00		4,973 00
7014	Thompson, Thomas J	868 50		868 50
11011	Thurman, James M	1,113 75		1,113 75
16481	Tipton, Thomas J	150 00	120 00	30 00
7714	Towers, Mary	406 25		406 25
7812	Trimble, Moses	545 40		545 40
8620	Umphrey, Allen	2,843 70		2,843 70
17429	Vandiver, Jane C	895 00		895 00
7447	Vaughan, Alexander	597 50		597 50
7582	Veal, William W	1,078 00		1,078 00
3624	Wadsworth, Walter	5,000 00		5,000 00
1379	Waldrop, James L. H	1,354 00		1,354 00
11010	Wall, Margaret	653 25		653 25
13600	Watkins, Hezekiah	978 00		978 00
8606	Webb, John H	939 75		939 75
2306	Webb, William H	2,956 30		2,956 30
14329	Werm, Lawrence	2,813 00		2,813 00
1499	White, Jane S	2,710 00		2,710 00
1500	Whitehead, estate of John C	2,158 00		2,158 00
15403	Whitten, William	950 00		950 00
16362	Wiggins, Michael	1,747 00		1,747 00
539	Williams, Britain	1,629 00	548 00	1,081 00
10176	Williams, James	950 00		950 00
8680	Wilson, Micajah C	919 00		919 00
15183	Withers, Jacob P	2,939 50	1,882 00	1,057 50
7503	Woods, Samuel P	500 00		500 00
10510	Woodson, Hiram H	366 00	296 00	70 00
9139	Wright, Mitchell	140 00	90 00	50 00
3035	Young, David	15,950 00	4,039 00	11,911 00
8984	Zellner, Andrew	616 00		616 00
12321	Zuber, estate of David	2,917 60		2,917 60

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	LOUISIANA.			
4041	Bacon, Thomas S	$13,500 00	$3,050 00	$10,450 00
20259	Barlow, estate of James H. C	9,999 00		9,999 00
9201	Benjamin, estate of William	990 00	594 00	396 00
4672	Bloom, Isaac	36,395 00		36,395 00
17368	Brewer, Owen H	450 00	375 00	75 00
5386	Clark, estate of Samuel	13,793 17		13,793 17
8616	Cook, William H., sr	2,975 00		2,975 00
13145	Cooper, Mary D., and Guzman, Mary C	5,330 00	2,235 00	3,095 00
5353	Daniels, Ellen	680 00		680 00
10243	Delano, Charles	78,636 74		78,636 74
13622	Ditts, Wesley	815 00	705 00	110 00
18718	Irwin, William H	46,028 00	10,830 00	35,198 00
431	James, Louisa	3,300 00		3,300 00
12477	Johnson, heirs of Claude M	20,065 00	12,620 00	7,445 00
729	Kehoe, Ellen	2,154 00		2,154 00
1264	Lilley, Thomas	7,900 00	4,800 00	3,100 00
1251	Lonsdale, Ida B, and Thompson, Annie B	65,020 00	18,045 00	46,975 00
18378	McAdam, Joseph	1,574 00	1,298 55	275 45
5385	McAdams, William	40,779 75		40,779 75
10430	Mahoney, John	8,100 35		8,100 35
16884	Markham, William	1,173 00	1,173 00	
14432	Nimick, James	3,185 00		3,185 00
412	Rhodes, Joshua and Bagaley, assignees William	85,145 00		85,145 00
680	Sasser, Whitley M	100,498 78	7,126 96	93,371 82
1211	Shannon, Joseph R	55,250 00	13,000 00	42,250 00
18794	Stanton, Joseph W., and Palmer, William L	49,766 82	27,298 77	22,468 05
4620	Temple, John R	5,000 00	4,250 00	750 00
2954	Worthington, Hugh	14,400 00		14,400 00
	MISSISSIPPI.			
5934	Acuff, Mary A	2,384 60	929 00	1,455 00
17670	Addington, Isaac	460 00		460 00
17496	Addington, Jesse	2,982 00		2,982 00
9939	Anderson, Andrew	790 00		790 00
16164	Anderson, William	528 00		528 00
9943	Archer, Peter F	775 00		775 00
3810	Armor, M. B	650 00	425 00	225 00
8762	Arnold, estate of Mary M	2,275 96		2,275 96
191	Ashby, Preston	5,190 00		5,190 00
15330	Atkins, Alexander	1,300 00		1,300 00
15331	Atkins, John H	900 00		900 00
12363	Austin, Mark	515 00	347 00	168 00
12279	Baker, Lewis	600 00		600 00
17200	Ballou, Thomas C	3,600 00		3,600 00
5681	Banks, Thomas R	4,455 00		4,455 00
9944	Barry, William H	1,300 00		1,300 00
18755	Baum, John D	1,695 00		1,695 00
6938	Berry, Martha	310 00	202 00	108 00
154	Bertinette, Eugenie P	22,325 00	11,860 00	10,465 00
20945	Bickerstaff, Henry	150 00	100 00	50 00
17949	Bird, Samuel	100 00	90 00	10 00
8541	Black, Sarah A	2,030 00	256 00	1,774 00
4670	Blackburn, Elizabeth	1,141 00		1,141 00
13271	Blackburn, Robert E	1,065 00		1,065 00
14859	Boger, Elizabeth	1,060 40		1,060 40
14216	Booker, Mercer M	1,410 00	695 00	715 00
2880	Boorland, William A	1,124 50		1,124 50
6941	Borman, Frederick	300 00	100 00	200 00
6984	Bowles, estate of Green	2,247 00	275 00	1,972 00
14795	Bowles, Mary E	550 00		550 00
6942	Boyd, Minerva	700 00	300 00	400 00
5756	Branch, Charlotte	400 00	280 00	120 00
11828	Brandon, Charlotte L	17,205 00		17,205 00
8763	Bratton, Jemima	553 50		553 50
17181	Bridgeforth, Thomas H. and William D	4,140 00	1,280 00	2,860 00
14610	Bridges, Wiley C	400 00		400 00
10825	Brien, A. W	17,214 00		17,214 00
16293	Brooke, Stephen	390 00	260 00	130 00
16665	Brooks, George	300 00	200 00	100 00
15334	Brooks, Joseph H	2,934 00		2,934 00
9942	Brown, James K	760 00		760 00
12207	Brown, Lawrence L	902 50		902 50
10272	Browning, Albert G	1,212 50	180 00	1,032 50
5131	Bullen, Albert	275 00		275 00
14789	Burdeshaw, William M	1,105 00		1,105 00
9482	Burford, William H	669 00		669 00
13725	Burns, John	1,709 50	170 00	1,539 50
4673	Burrows, Isham C	505 00	150 00	355 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	MISSISSIPPI—Continued.			
9955	Butler, Margaret J	$1,529 50		$1,529 50
11335	Campbell, G. W	730 20	$446 80	283 40
9956	Campbell, Lewis H	1,005 00		1,005 00
16455	Caradine, Andrew	700 00		700 00
12758	Carey, Harriet J	9,996 50	4,413 50	5,583 00
6947	Carroway, Jackson	1,405 00		1,405 00
18435	Carson, Austin	292 00	208 00	84 00
16460	Carter, estate of Ebenezer	400 00		400 00
8553	Cathey, John W	646 00	233 00	413 00
8542	Cathey, estate of Robert F	2,178 75	816 25	1,362 50
14780	Cauthen, Ludy	850 00		850 00
16620	Chamberlin, Mary	625 00		625 00
9996	Chambers, Robert P	1,139 50		1,139 50
17180	Charlton, James C	1,345 00		1,345 00
6943	Chavis, Jordan	2,746 00		2,746 00
17660	Collins, Burrill H	2,544 00		2,544 00
17662	Collins, Emily F	400 00		400 00
15335	Colman, John S	5,210 00		5,210 00
18315	Conrad, Andrew	1,981 00		1,981 00
12104	Cook, David	900 00		900 00
8547	Cook, Elizabeth	836 00		836 00
19185	Cook, James M	1,601 00		1,601 00
10371	Cook, John	210 00		210 00
4675	Coopwood, William J	2,322 50	950 00	1,372 50
12121	Copeland, Thomas E	2,931 00		2,931 00
15336	Corbishley, Martha A	4,525 00		1,525 00
11832	Cory, Louisa C	1,000 00		1,000 00
8554	Cox, Eliza	2,240 00		2,240 00
8555	Cox, Eliza	1,344 00		1,344 00
9952	Craig, Ellen	200 00		200 00
6294	Crook, John A	820 00		820 00
12783	Crook, John A	795 00		795 00
16225	Crouch, estate of Solomon	2,575 00		2,575 00
11270	Culley, Devando V	2,441 20		2,441 20
4385	Curran, Michael	2,401 00	1,385 00	1,016 00
5751	Dannenman, Catharine	3,793 68	320 00	3,473 68
13259	Davidson, George W. S	706 00		706 00
9827	Davis, A. W	744 10	362 50	381 60
6953	Davis, Benjamin M	3,540 00		3,540 00
16549	Davis, heirs of J. H	1,140 00		1,140 00
9831	Davis, Littleton	150 00	100 00	50 00
15337	Day, estate of Henry	2,215 00		2,215 00
12039	De France, Caroline N	2,208 91		2,208 91
16438	Deshazo, estate of David	600 00		600 00
6954	Deval, Albert	302 00	177 00	125 00
10140	Dickson, Samuel	2,592 00		2,592 00
15405	Dodson, William H	2,160 00		2,160 00
6956	Donelson, Ann C	2,995 00		2,995 00
9829	Douthit, Absalom	1,263 00	334 00	929 00
20943	Dunn, Rachel	625 00		625 00
11269	Eastman, Richard	209 00		209 00
15693	Eaton, Rolen	1,430 00	790 00	640 00
16434	Edson, Lucy A	2,815 00		2,815 00
12806	Edwards, Charlotte M	825 00		825 00
16604	Ernest, John	647 75		647 75
15694	Faulkner, Marcus	420 00	200 00	220 00
10559	Fields, Levi	499 00		499 00
14782	Fitzgerald, Benjamin J	2,996 00		2,996 00
877	Fletcher, Randall	173 00	125 00	48 00
8569	Floyd, Angeline	446 00		446 00
16433	Flynt, Martin	2,928 00		2,928 00
2855	Ford, Washington	1,714 00	250 00	1,464 00
10142	Fox, Albert G	2,050 00		2,050 00
10369	Friend, Berry	585 00		585 00
10539	Fudge, James P	457 50		457 50
10538	Fudge, Stokely M	975 00		975 00
8766	Gallegly, William T	4,896 25		4,896 25
8765	Gant, John J	4,390 50		4,390 50
20946	Geary, Thomas J	778 50	231 00	547 50
8767	Godfrey, Mary E	2,039 50		2,039 50
10354	Golden, heirs of Patrick	660 00		600 00
6963	Green, Dick	131 00	65 00	66 00
2143	Grier, George C	986 00		986 00
5228	Grier, James A	1,426 75		1,426 75
5229	Grier, James A	1,500 00		1,500 00
5230	Grier, James A	2,527 25		2,527 25
1472	Givin, John A	1,370 00		1,370 00
13570	Hackleton, James H	1,908 30	1,750 00	158 30
9954	Hale, Elijah	400 00		400 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	MISSISSIPPI—Continued.			
5040	Hamilton, James	$540 50		$540 50
3851	Harbour, Thomas J	1,175 00	$725 00	450 00
8592	Harmon, Levinia A	1,865 50		1,865 50
17356	Harrill, George W	1,227 00		1,227 00
12118	Harris, Hop. T	713 00	221 00	492 00
6577	Harris, James B	815 00	455 00	360 00
15339	Harris, Thomas	465 00		465 00
2147	Harris, estate of Wiley	425 00	210 00	215 00
10368	Hartman, Margaret	325 80		325 80
11777	Hatcher, Rhesa	1,020 00		1,020 00
16458	Hawk, John	1,712 25		1,712 25
18035	Hawkins, William B	2,315 00		2,315 00
16442	Hawkins, William L	2,075 00		2,075 00
10363	Hayes, Michael B	1,580 00	695 00	885 00
14187	Hearne, Joel A	595 00		595 00
15340	Henderson, Elisha W	2,377 00		2,377 00
9193	Henry, John	2,094 00		2,094 00
9948	Hewlett, Tamer	200 00	100 00	100 00
9836	Higdon, Robert D	1,660 00	420 00	1,240 00
4718	Hill, George	725 00	463 00	262 00
9804	Hill, James M	3,847 00		3,847 00
17421	Hill, Jeptha	641 00		641 00
8560	Hill, Monroe	277 50	103 00	147 50
1601	Hodges, Robert S	1,440 50	500 00	940 50
11146	Holden, Ebenezer	1,195 00		1,195 00
17304	Holladay, Roberson M	1,827 00		1,827 00
15466	Holland, C. M	500 00		500 00
15465	Holland, Jacob W. and W. R	300 00		300 00
17762	Holloway, Joseph	267 50	112 50	155 00
6971	Holmes, Ambrose	190 00	110 00	80 00
14786	Houston, James A	1,310 00		1,310 00
9941	Houston, Martha	1,194 00		1,194 00
3346	Howard, George	165 00	120 00	45 00
839	Howard, Joseph H	4,679 00		4,679 00
840	Howell, estate of Jane	3,610 00		3,610 00
841 842	Howell, estate of Jane	1,799 00		1,799 00
9940	Hudgins, Jesse E	411 00		411 00
14835	Hunt, Robert	4,265 00	2,934 00	1,331 00
14295	Jackson, Peter	300 00	250 00	50 00
16447	Jamison, Robert	1,810 00		1,810 00
6973	Jefferson, Joseph	780 00		780 00
4420	Jeffries, Miller	150 00	115 00	35 00
3421	Jeters, Mary E	2,215 00		2,215 00
9973	Johnson, Charles H	835 00		835 00
18061	Johnson, John M. and William B	4,961 25	3,526 25	1,435 00
10684	Johnson, Lewis	150 00	130 00	20 00
11556	Johnston, Louisa H. M	1,943 00		1,943 00
14872	Johnston, Thomas S	877 50		877 50
14334	Jones, Jack	600 00		600 00
12301	Jones, John	1,545 00		1,545 00
8563 8564 8565	Jones, John W	3,245 00		3,245 00
6975	Jones, Joshua C	320 00		320 00
16440	Jones, Nancy J	675 00		675 00
14774	Kelly, James G	1,465 00		1,465 00
17986	Kennedy, Michael	360 00	250 00	110 00
14797	Kibler, Henry	1,232 50		1,232 50
18141	Kinwright, Elizabeth J	850 00		850 00
15916	Knowland, Thomas K	4,280 00	3,610 00	670 00
15508	Lamb, Joshua	600 00		600 00
12119	Lancaster, Amanda J	1,567 50		1,567 50
7364	Landrum, Thomas	600 00	450 00	150 00
14126	Langham, Mary	898 50		898 50
20243	Lawrence, Zebulon M	4,926 20	2,017 00	2,909 20
16443	Lea, Alfred M	2,300 00		2,300 00
1364	Leckey, William D	1,512 50	680 00	832 50
283	Ledbetter, Madison	1,342 50		1,342 50
14772	Lee, estate of Robert E	1,100 00		1,100 00
9959	Lewis, estate of James M	2,285 00		2,285 00
11145	Lindsley, Martha W	965 00		965 00
14317	Lindsey, estate of John Thomas	1,675 00		1,675 00
8068	Lockhart, estate of Rachel	3,837 50		3,837 50
8567	McAlexander, David F	2,300 00		2,300 00
6927	McAlexander, William C	3,406 25		3,406 25
14866	McBride Joseph	800 00		800 00
14775	McClendon Charles	750 00		750 00
519	McCorkle, Hagan	320 00	180 00	140 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	MISSISSIPPI—Continued.			
8546	McCorkle, Samuel E	$2,840 00		$2,840 00
8433	McCurdy, Thomas	244 00	$144 00	100 00
12786	McCurley, Samuel	160 00	100 00	60 00
4421	McDermott, Patrick	2,380 00		2,380 00
7362	McDonald, John	1,188 00	1,188 00	
15509	McDowell, John	540 00	340 00	200 00
2292	McGee, William	26,903 50	756 00	26,147 50
8771	McGuire, Michael J	2,587 00		2,587 00
3210	Maddox, Thomas	3,923 00	2,000 00	1,923 00
14870	Marks, Matthias D	370 00		370 00
10836	Martin, Emily R	3,000 00		3,000 00
14799	Martin, Martha L	1,100 00		1,100 00
15704	Martin, William S	319 50		319 50
8509	Mathews, Eliza	8,988 50		8,988 50
8551	Mathews, Lucy	2,575 00		2,575 00
16462	Maxville, Martha	450 00		450 00
8556	Meador, Pleasant	2,040 00		2,040 00
8557	Meador, Pleasant	2,317 50		2,317 50
8558	Meador, Pleasant	2,895 00		2,895 00
9974	Meador, Robert B. A	576 72		576 72
9957	Medders, Jane	833 50	115 00	718 50
9833	Medley, John P	1,085 80	381 00	704 80
10192	Miles, Ansel	625 00	350 00	275 00
14228	Miller, Martha Ann	322 00	281 00	41 00
12120	Miller, Samuel	161 50	120 00	41 50
8772	Miller, Samuel H	753 00		753 00
18142	Miller, William T	1,815 00		1,815 00
15348	Mitchell, estate of Andrew T	1,000 00		1,000 00
19132	Mooney, Jacob	260 00		260 00
13265	Moore, Green D	1,650 00		1,650 00
12123	Morrison, Archibald	1,455 00		1,455 00
1910	Moses, Samuel	821 00	313 60	507 40
16992	Müh, George	5,991 00		5,991 00
9958	Mullins, Martin	275 00	110 00	165 00
10193	Myers, Benjamin F	1,854 00		1,854 00
10370	Nailor, Hart	175 00	125 00	50 00
515	Nelms, Thede	1,380 00		1,380 00
8598	Newell, David H	2,841 00		2,841 00
16461	Nichol, Harvy	757 00		757 00
9950	Nunnally, John V	400 00		400 00
11142	Ormsby, Henry	2,996 50		2,996 50
1604	Orr, James	1,308 00		1,308 00
7341	Owen, J. G	442 50	337 00	105 50
360	Parham, Richard H	9,986 00	8,467 00	1,519 50
18143	Parks, Mahala J	1,287 00		1,287 00
16439	Partee, estate of Squire B	1,850 00		1,850 00
16435	Payne, Simpson	5,420 00		5,420 00
17362	Peavey, L. D	201 60		201 60
6933	Pender, Daniel H	12,024 00	6,452 00	5,572 00
18181	Person, Alfred G	1,950 00		1,950 00
18571	Pettit, Rachel F	4,710 00		4,710 00
15350	Phillips, James L	925 00		925 00
17230	Pigford, Aurelia J	1,336 50		1,336 50
11094	Potter, Nelson	1,776 00		1,776 00
10139	Potts, heirs of J. W	2,936 00		2,936 00
8773	Powell, Buford	1,365 00		1,365 00
9577	Powell, Mary	2,880 00		2,880 00
9947	Price, John	502 00		502 00
8521	Price, Lewellyn	4,855 00		4,855 00
12784	Pryor, Henderson	150 00	125 00	25 00
12904	Purnell, Mary	150 00	125 00	25 00
16452	Putnam, Hawkins B	510 00		510 00
14790	Quarles, Richard	2,567 00		2,567 00
15289	Quinn, James	735 00	385 00	350 00
551	Rainy, Brazillai G	1,168 00		1,168 00
20951	Raper, Henry R	1,663 00		1,663 00
8774	Redwine, James A	2,222 00		2,222 00
5600	Reed, estate of James K	300 00		300 00
6991	Reed, Lewis	150 00	100 00	50 00
17443	Reeves, estate of Margaret	1,151 00		1,151 00
5755	Regan, John A	1,480 00		1,480 00
14232	Reid, Matilda H	1,456 75		1,456 75
16181	Rigby, Emily	850 00		850 00
6994	Roberts, Henry C	2,825 00		2,825 00
12122	Robinson, Cynthia S	2,932 15		2,932 15
11271	Robison, John M	380 00	240 00	140 00
16866	Rogan, James	4,146 00	2,644 00	1,502 00
12734	Rosenbaum, David	1,145 50		1,145 50
8533	Russell, John	2,490 00		2,490 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	MISSISSIPPI—Continued.			
16450	Russwurm, estate of William A	$1,250 00		$1,250 00
10141	Rutherford, Catharine J	2,147 50		2,147 50
12785	Rutherford, Thomas	695 00		695 00
772	Rutledge, Richmond T	31,256 25		31,256 25
9953	Sanders, Parmela A. F	1,360 00		1,360 00
17357	Schrimsher, Lewis J	323 00	$125 00	198 00
12435	Shaw, Jacob M	2,550 00		2,550 00
14029	Shepherd, Phereby R	4,405 00		4,405 00
8777	Ship, Felix G	3,000 00		3,000 00
9949	Shive, Allen	500 75		500 75
10681	Shy, Thomas	200 00	150 00	50 00
19442	Sigmin, William F	874 00		874 00
8538	Simmons, Robert E	1,212 50		1,212 50
14798	Sims, Mary A	755 00		755 00
5084	Slaughter, James M	4,995 00		4,995 00
14868	Smith, Deborah	695 00		695 00
6997	Smith, James M	2,675 00		2,675 00
5125	Smith, Richard	250 00	150 00	100 00
8584	Smith, William A	3,635 00		3,635 00
17410	Smither, William H	4,314 00		4,314 00
3735	Sorrelle, E. F	2,273 00		2,273 00
11493	Sparks, Lewis	678 00	455 00	223 00
17645	Springer, Dennis	855 00		855 00
10423	Sprouse, Ira C	325 00		325 00
11987	Stamps, Milton	525 00	270 00	255 00
19441	Stephenson, Adam	175 00	125 00	50 00
19186	Stockard, Mary E	994 00		994 00
9178	Stokes, Littleton	980 00		980 00
17664	Strong, Nelson	710 00	355 00	355 00
5433	Stubbs, Francis H	2,975 00		2,975 00
16601	Sulm, George	1,557 50		1,557 50
17671	Tabor, Aquilla	4,970 00		4,970 00
14770	Talbert, Mary D	810 00		810 00
8780	Talliafero, William	2,565 00		2,565 00
11778	Tapley, Martha C	2,900 00		2,900 00
13870	Tarver, Robert	1,163 50		1,163 50
11148	Tatum, E. W. and James	1,350 00		1,350 00
11187	Tenny, Daniel K	18,046 87		18,046 87
8590	Thacker, Richard B	13,937 00	4,267 00	9,670 00
10166	Thorp, Catsworth P	2,950 00		2,950 00
10167	Thorp, C. P	2,924 25		2,924 25
4700	Thurston, William	435 00	330 00	105 00
10771	Tierney, John P	326 27		326 27
10895	Tindall, estate of J. L	3,000 00		3,000 00
11209	Torpley, Sue and Colin	3,000 00		3,000 00
16736	Tucker, Daniel	365 00	250 00	115 00
14777	Turner, William H	2,775 00		2,775 00
7348	Vance, David	961 00		961 00
11892	Van Vactor, Samuel	500 00	300 00	200 00
12903	Waldrop, Penelope	435 00		435 00
3708	Walker, Jacob	2,032 00		2,032 00
13206	Walker, estate of William	200 00		200 00
10364	Walker, William D	1,457 50		1,457 50
16437	Wall, John H	485 00		485 00
7675	Watts, Dickerson	2,985 00		2,985 00
8585	Weatherly, Joseph A	2,999 00		2,999 00
3321	Webster, estate of Jacob	3,388 40	538 40	2,850 00
19134	Wheeler, Thomas W	477 00		477 00
14876	White, John	1,675 00		1,675 00
12817	Whitehurst, B. B. L	773 00	535 00	238 00
3748	Whiteside, Elizabeth C	1,045 00		1,045 00
15352	Wilbourne, estate of William R	2,375 00		2,375 00
11776	Williams, Bovina	220 00		220 00
8549	Williams, estate of Roderick	1,095 00		1,095 00
10372	Williams, Susan	570 00		570 00
9938	Wilson, Judith	1,280 50		1,280 50
13696	Wilson, Lewis H	400 00		400 00
16780	Winston, Nicholas	1,432 00	707 00	725 00
17037	Woodson, R. O	9,407 50		9,407 50
4244	Wright, Joseph J	1,415 00		1,415 00
12782	Young, Amanda	150 00	100 00	50 00
	NORTH CAROLINA.			
21029	Aaron, Lipman	1,622 00		1,622 00
18043	Albright, William R	2,675 00		2,675 00
10168	Aldridge, Lemuel H	1,222 50		1,222 50
14758	Aldridge, Robert	832 00	590 00	242 00
6388	Allison, Mary	610 00		610 00
11935	Allman, Jacob	275 00		275 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	NORTH CAROLINA—Continued.			
10948	Arnold, Elizabeth	$900 00		$900 00
13195	Babcock, Palmer	2,976 00		2,976 00
14356	Baity, Henry	78 50		78 50
15461	Baker, estate of David	150 00		150 00
5931	Baker, Rebecca	299 50	$200 00	99 50
17715	Barnes, Solomon D	150 00		150 00
11936	Barrett, John E	140 00		140 00
9680	Battams, John	470 00		470 00
12048	Bell, George W	1,000 00		1,000 00
9764	Bell, Josiah L	1,105 50		1,105 50
7909	Bell, Samuel N	135 00		135 00
4625	Bennett, John	91 00	81 00	10 00
6621	Bethune, Lauchlin	4,957 50		4,957 50
16240	Biggs, Philip H	510 00		510 00
15450	Blackwelder, Allen M	175 00	105 00	70 00
1949	Blackwell, J. W	150 00		150 00
8787	Blackwood, Alexander	200 00		200 00
1849	Blake, Craty	700 00	325 00	375 00
1844	Blake, Marinda	638 00	339 00	299 00
11915	Blythe, James	125 00		125 00
17027	Bobbitt, John J	370 00		370 00
14382	Bodenhamer, Jacob B	345 00		345 00
10728	Bodenhamer, William	200 00		200 00
18406	Bond, Henry A., sr	475 25	141 00	334 25
15999	Boner, Jonathan	125 00	125 00	
15451	Booe, Nancy C	150 00		150 00
4078	Boothe, John W	915 00	427 00	488 00
20009	Bovey, Harriet	150 00	125 00	25 00
9427	Bowden, Mary L., and Susan L. Hare	595 75		595 75
8039	Bowen, Lewis	448 70	228 00	220 70
13638	Bradbury, Ephraim	492 50	270 00	222 50
13639	Bradbury, Mary H	655 41		655 41
1846	Branham, Needham	218 00		218 00
9745	Brinkley, Martin L	250 00		250 00
15068	Brinson, Ida	585 00	310 00	275 00
1867	Britt, Hardy	964 55		964 55
15830	Britt, Joseph L	260 00		260 00
1866	Britt, Marion D	995 00		995 00
15560	Britton, Charles	150 00	150 00	
13814	Brothers, Richard	225 00	100 00	125 00
14877	Brown, James H	125 00		125 00
9444	Brown, John	160 00		160 00
17307	Brown, Mary	118 00	100 00	18 00
17581	Brown, Nicholas	220 00	160 00	60 00
22184	Brown, Sarah P. C	9,700 00	1,450 00	8,250 00
10879	Brown, William	600 00	235 00	365 00
11943	Buckner, Jeremiah	167 00	150 00	17 00
5567	Burgess, Hezekiah	190 00	190 00	
19542	Burgess, John S	4,763 20	971 70	3,791 50
17904	Burton, Dempsey	685 00		685 00
12802	Capps, John B	410 00	240 00	170 00
9159	Carroll, Piety	233 80		233 80
11427	Carrow, Samuel T	10,870 00	3,596 00	7,274 00
15561	Carter, Jeremiah	150 00	150 00	
4921	Chapel, Ann	434 25		434 25
4543	Chapin, Ansel B	2,100 00	2,100 00	
1681	Chapman, George	250 00	250 00	
10710	Charles, Elisha, sr	200 00		200 00
10715	Charles, Elisha, jr	200 00	150 00	50 00
10957	Charles, Jacob	150 00		150 00
12199	Chesson, John B., jr	225 00	150 00	75 00
11558	Clark, William R	744 00		744 00
14298	Clayton, H. T	200 00		200 00
19130	Clayton, Richard	304 00	60 00	244 00
9056	Coates, Thomas H	5,860 20		5,860 20
17308	Coffin, Elwood	100 00	100 00	
9057	Colclough, John T	1,382 15		1,382 15
9160	Collins, Eaton	664 00		664 00
10029	Copeland, Edwin G	1,693 50	750 00	943 50
18866	Copeland, Elizabeth	325 75	204 00	121 75
12553	Cottrell, James M	200 00		200 00
10416	Covert, Henry	500 00	300 00	200 00
7765	Cox, Isaac H	2,995 50	2,188 00	807 50
7752	Cox, Nathan B	835 00		835 00
17909	Crain, Julia	200 00	100 00	100 00
10718	Crews, Charles E	400 00		400 00
2373	Daniel, William	2,584 00	1,085 00	1,499 00
9756	Dangherty, Aley	281 50	167 50	114 00
13236	Davis, Andrew J	250 00		250 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	NORTH CAROLINA—Continued.			
6350	Davis, Charles	$335 00	.....	$335 00
11919	Davis, D. F	160 00	.....	160 00
2374	Davis, John, jr	1,306 30	.....	1,306 30
10740	Davis, Levi F	200 00	.....	200 00
18410	Davis, Levi S	168 00	$112 00	56 00
18596	Day, William P	475 00	.....	475 00
2375	Deanes, George	1,536 25	708 00	828 25
13237	Denton, Spence	367 50	125 00	242 50
13235	Dey, estate of J. S	1,879 00	.....	1,879 00
13239	Dudley, William	175 00	.....	175 00
10821	Duffy, Margaret	762 00	.....	762 00
11579	Dula, William S	275 00	.....	275 00
2249	Duncan, James H	175 00	.....	175 00
12073	Duncan, Jonathan	300 00	.....	300 00
17583	Dunn, Lewis	175 75	122 00	53 75
9161	Dupree, Sarah A	54 31	.....	54 31
16199	Dwinn, Columbus	765 00	.....	765 00
16782	Elliott, Elias	162 50	86 00	76 50
14739	Ellis, Elijah W	1,594 00	.....	1,594 00
10943	Ernest, Elizabeth E	150 00	.....	150 00
9072	Evans, Samuel	100 00	100 00	.....
13227	Fanshaw, John	396 60	.....	396 60
5784	Farmer, John H	40 00	.....	40 00
5783	Farmer, William P	125 00	125 00	.....
9885	Farrar, Thomas B	865 00	.....	865 00
18382	Farthing, Reuben	395 00	.....	395 00
9893	Fearrington, John J	2,435 00	.....	2,435 00
16670	Felts, Harrison C	125 00	125 00	.....
13231	Farebee, James M	643 00	.....	643 00
14879	Ferguson, William T	650 00	.....	650 00
15710	Fisher, Squire	300 00	210 00	90 00
16383	Floyd, John W	425 00	.....	425 00
11576	Foster, Wilson	175 00	.....	175 00
8679	Franklin, Joseph R	2,966 50	.....	2,968 50
7020	Frederick, Martha	640 00	.....	640 00
9882	Freeland, George S	281 00	.....	281 00
19092	Freeman, George W	150 00	150 00	.....
15080	Fulk, William	451 50	.....	451 50
16698	Garmon, Isaac	208 00	.....	208 00
11568	Garner, James D., wealthy	430 00	.....	430 00
11834	Gaskins, Arthur	912 00	.....	912 00
7077	Gattis, James B	462 50	.....	462 50
17914	Gibson, Abner	330 00	.....	330 00
3494	Glen, Tyre	3,800 00	2,580 00	1,220 00
16777	Godfrey, Thomas N	125 00	125 00	.....
5438	Godwin, Edwin	698 25	.....	698 25
17897	Godwin, Kenney	150 00	150 00	.....
13197	Goodwin, Simon P	758 80	563 40	195 40
9419	Graham, Francis	205 55	91 25	114 30
14289	Grantham, Uriah	1,259 25	794 00	465 25
18942	Green, Mager	795 00	.....	795 00
10954	Grice, Jacob	161 00	100 00	61 00
15081	Griffin, Charles	200 00	.....	200 00
3527	Grimes, Jacob	640 00	.....	640 00
579	Grimsley, W. P	3,040 00	1,745 00	1,295 00
15559	Grubb, estate of John	200 00	.....	200 00
11934	Gudger, Adolphus M	165 00	.....	165 00
17647	Gulley, John G	844 00	.....	844 00
9162	Gully, Needham G	1,493 25	.....	1,493 25
8207	Hair, Flora A	222 50	168 00	54 50
8310	Hallman, Wyatt J	1,027 50	.....	1,027 50
15082	Hardgrove, James	190 00	.....	190 00
9492	Harrell, Redick	175 00	140 00	35 00
9894	Harris, Eli	157 50	.....	157 50
18504	Harris, Jesse R	556 25	.....	556 25
13344	Harvey, Henry L	880 00	528 00	352 00
17828	Hawkins, Jesse D	150 00	.....	150 00
10963	Hege, George F	100 00	.....	100 00
10961	Hege, Samuel	200 00	.....	200 00
1649	Hicks, James Y	182 50	.....	182 50
8321	Hollowell, estate of Thomas L	4,112 75	1,885 00	2,227 75
16929	Hood, James H	140 00	.....	140 00
16284	Hood, J. L	60 00	60 00	.....
2251	Hoover, Moses G	203 75	.....	203 75
10735	Horney, Stephen G	200 00	140 00	60 00
16742	Horton, Rufus H	200 00	.....	200 00
11577	Howard, Joseph	220 00	100 00	120 00
18411	Howard, William B	220 00	.....	220 00
19053	Huggins, Sarah N	150 00	150 00	.....

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	NORTH CAROLINA—Continued.			
15551	Huggins, William F	$3,650 00		$3,650 00
11818	Hunter, estate of John L	250 00	$150 00	100 00
17920	Hyatt, James H	1,115 00		1,115 00
10712	Idol, Andrew S	300 00		300 00
12072	Jackson, Robertson	150 00		150 00
17026	Jinks, William	270 00		270 00
7757	Jinnett, estate of Joab	1,190 70	650 00	540 70
13933	Johnson, Richard M	869 50		869 50
11858	Johnson, Richard W	4,133 75		4,133 75
9931	Johnson, Stephen	2,676 75		2,676 75
12047	Jones, A. L	2,864 00	575 00	2,289 00
11580	Jones, Charles P	350 00		350 00
4181	Jones, E. D	2,979 50	250 00	2,729 50
17401	Jones, Kinsey	300 00	300 00	
8635	Jones, Mason	1,220 00		1,220 00
8326	Jones, Matthew M., sr	1,075 00		1,075 00
18867	Jones, Nancy	444 25		444
13441	Jones, Owen W	1,490 00		1,490 00
9428	Jones, Wiley	260 00	170 00	90 00
3764	Jordan, Joseph J	2,205 00		2,205 00
11329	Jordan, Richard	1,867 50		1,867 50
20724	Jordan, Willis	200 00	100 00	100 00
19331	Judd, heirs of Henderson	350 00	230 00	120 00
16932	Justus, Wesley M	75 00		75 00
11922	Justus William D	280 00		280 00
8123	Kendall, John W	150 00		150 00
8135	Kendall, Thomas	200 00		200 00
9534	Kenedy, Patsy	649 75		649 75
8647	Kephart, A. T	100 00	100 00	
7747	King, Isaiah	554 00		554 00
11520	King, James	358 75	235 00	123 75
15476	Laboyteaux, Sarah	1,040 00		1,040 00
11819	Lane, Charles	200 00		200 00
17734	Lassiter, John	230 00		230 00
16260	Ledbetter, Ephraim	150 00		150 00
11928	Ledbetter, Richard	90 00		90 00
17924	Lee, Wilson	125 00	125 00	
15083	Lehman, William E	175 00		175 00
9083	Lindsey, Eliza Jane	300 00		300 00
8799	Lloyd, William, sr	304 50		304 50
19417	Locklayer, Wyatt	371 00	69 50	301 50
7559	Loftin, Henderson	215 00		215 00
17505	McAllister, Todd	759 75	568 00	191 75
8206	McArthur, Malcolm	465 50		465 50
7083	McCauley, Matthew J. W	1,275 00	765 00	510 00
2253	McCormick, James	88 00		88 00
14604	McCoy, John S	485 00		485 00
15458	McCulloh, James	200 00	100 00	100 00
107	McDougall, Alex	1,107 00		1,107 00
11917	McDowell, George M	100 00	100 00	
13888	McGill, Neill	643 75		643 75
17769	McGowan, Sylvester	360 00	144 50	215 50
17219	McKenzie, William R	754 00	405 00	349 00
10946	McLemore, Amos	314 50		314 50
7912	McLemore, William	100 00	100 00	
5571	McMinn, James M	1,000 00		1,000 00
104	McQueen, Neill	1,247 00	812 00	435 00
9195	Mann, Jasper B	355 00		355 00
14881	Marley, Henry	150 00		150 00
8989	Martin, Silas N	1,172 99		1,172 99
6103	Mashburn, Hodge	345 50		345 50
13887	Mason, Foster	566 30		566 30
17768	Mason, Jesse S	175 00	125 00	50 00
9888	Mason, William C	925 00		925 00
14727	Masten, Robert L	75 00		75 00
14839	Mastin, estate of Darius	300 00		300 00
9421	Mathis, Frederick	1,337 50		1,337 50
9422	Mathis, Joel	662 50		662 50
15523	Matthews, Reuben	608 00		608 00
4647	May, William B	951 50		951 50
19329	Maynard, Jacob	717 00		717 00
15095	Mebane, Robert L	192 00		192 00
14719	Mercer, Malachi	227 50		227 50
6389	Merrell, John	125 00	125 00	
11662	Merritt, Eli	144 25	83 00	61 25
16001	Miller, John	150 00		150 00
15084	Miller, Jonathan	125 00		125 00
14309	Mock, Andrew L	225 00	175 00	50 00
9517	Moore, Lucy A	250 00		250 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	NORTH CAROLINA—Continued.			
11940	Moore, William H	$160 00		$160 00
10123	Morgan, Thomas A	200 00		200 00
9895	Morphis, Samuel	490 00	$335 00	155 00
21049	Morrisett, William J	1,918 00	257 00	1,661 00
12670	Morton, David W	600 00		600 00
10732	Motsinger, Henry	375 00		375 00
18361	Murden, Thomas J	677 50		677 50
15898	Myers, William	151 00	151 00	
4277	Neal, Rebecca	430 00		430 00
13934	Newell, Dempsey	700 00	385 00	315 00
18412	Nichols, Lemuel	350 00		350 00
9744	Nixon, William	162 00		162 00
17703	Norris, Samuel	943 50		943 50
666	Norton, Elijah	195 85		195 85
8099	Nowell, Alvin and William	649 10		649 10
3087	Nowell, Willis W	375 00		375 00
9887	Nutt, Erasmus D	515 00		515 00
11541	Oldham, Allen	262 25		262 25
6387	Orr, Azra	100 00	100 00	
16086	Outland, Cornelius	250 00	150 00	100 00
16087	Outland, Elijah	200 00	150 00	50 00
17896	Overton, estate of Amon	200 00	100 00	100 00
898	Pace, James M	1,426 00	1,025 00	401 00
4460	Parish, Berry	62 75	62 75	
9424	Parker, William	87 50		87 50
8805	Parten, estate of Bennett	625 00	133 33	491 67
3670	Pate, Elizabeth	494 25	150 00	344 25
10030	Pate, Hymon	430 50		430 50
7762	Pate, Willoughby	1,255 00		1,255 00
8738	Pennington, Kinchen	1,517 50		1,519 50
1720	Peppers, Wilson	435 50	303 50	132 00
18868	Perkinson, John M	525 00	265 00	260 00
14249	Perry, Seaborn	400 00		400 00
15969	Petree, Riley F	152 00		152 00
16674	Pettyjohn, William	303 00	275 00	28 00
11625	Pettipher, Israel	990 00	331 00	659 00
10716	Phipps, Ransom	252 00		252 00
14748	Pierce, Arthur	474 25		474 25
10201	Pike, James E	385 00	230 00	155 00
10302	Pike, Matthew	922 65	493 00	429 65
10300	Pike, Micajah	770 75	403 75	367 00
14301	Poindexter, John F	1,090 00		1,090 00
12914	Pool, Charles C	239 20	239 20	
19159	Porter, William J	3,820 00		3,820 00
8100	Potter, Sarah	70 00	46 00	24 00
8806	Potts, Nancy M	447 00		447 00
1877	Powell, Cabot	387 00		387 00
20010	Proctor, Frederick S	1,710 00	705 00	1,005 00
18913	Pullen, Willis	432 00	227 00	205 00
4079	Purdy, estate of Aluri	5,000 00		5,000 00
11765	Purify, Arrington	762 00		762 00
11942	Ramsay, J D	175 00	175 00	
18413	Rawles, Dempsey	702 50		702 50
16308	Rector, Franklin	150 00	150 00	
17899	Reynolds, Arthur	70 00	60 00	10 00
17895	Reynolds, James	200 00	125 00	75 00
17898	Reynolds, Manuel	130 00	100 00	30 00
14749	Rhodes, Joseph E	896 00		896 00
18310	Rice, Reuben	269 50		269 50
4304	Riddick, Lassiter	775 00		775 00
6379	Riggsbee, Joseph J	790 00		790 00
15562	Roberson, Benjamin F	500 00		500 00
18414	Roberts, Watkins	215 00	140 00	75 00
11922	Robison, A R	255 00		255 00
11290	Rooks, William	200 00	140 00	60 00
10819	Rose, William	1,223 75		1,223 75
14302	Ryan, Daniel	320 00	275 00	45 00
13935	Sauls, Fennel	355 50		355 50
18869	Scott, Jacob F	4,900 00		4,900 00
21030	Sears, Robert T. D	995 00		995 00
16257	Sentell, Jesse B	150 00	150 00	
16258	Sentell, Richard	150 00	150 00	
9165	Shaw, Francis	668 00		668 00
13202	Sheppard, Francis	560 00	440 00	120 00
16255	Shipman, M. P	150 00	150 00	
10965	Shoaf, estate of Christian	300 00		300 00
17028	Sikes, Almus W	72 50		72 50
14883	Simmons, Edmond	250 00		250 00
13240	Simmons Edmund	1,482 00		1,482 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	NORTH CAROLINA—Continued.			
13233	Simmons, Edmond B	$706 25		$706 25
12136	Simmons, Green	971 75	$470 00	501 75
13238	Simmons, Hillyard H	224 50		224 50
10958	Simmons, Isaiah	179 50	140 00	39 50
15069	Simmons, Sarah	231 50	145 00	86 50
16870	Slade, Robert	883 96		883 96
15899	Smith, Anderson	145 00		145 00
1990	Smith, Cannon	500 00	250 00	250 00
10172	Smith, James M	1,549 20		1,549 20
8811	Smith, Mary	2,799 00		2,799 00
16900	Smith, Matthew	346 00	273 00	73 00
13203	Smith, Rachel	806 50	671 00	135 50
11921	Smith, William D	502 50		502 50
15900	Smith, William H	380 00		380 00
899	Snead, Alford	747 00		747 00
10960	Snider, Benjamin J	150 00		150 00
12583	Snipes, Bridgers	639 50		639 50
12584	Snipes, David	747 50		747 50
13230	Snowden, estate of William	170 00		170 00
17029	Sorrell, Jacob	1,850 00		1,850 00
16303	Sorrells, Jackson T	264 00		264 00
8458	Sparks, James	375 00	250 00	125 00
14840	Speace, John	516 00		516 00
7626	Spence, John	745 50		745 50
7736	Spencer, Franklin	200 00	100 00	100 00
10101	Stanly, James G	1,875 00		1,875 00
14533	Stanley, Sarah	300 00	250 00	50 00
14759	Stevens, Ezekiel	1,792 50		1,792 50
7631	Stewart, George W	333 00		333 00
14728	Stolz Thomas S	175 00		175 00
13884	Strickland, Richardson	345 20		345 20
15721	Strupe, William A	130 00		130 00
10714	Stuart, Erasmus J	350 00		350 00
7892	Sutton, John A	2,956 00	1,390 50	1,565 50
7890	Sutton, William	1,550 00		1,550 00
10736	Swain, Ashley	400 00		400 00
2254	Swann, Emily S	500 00		500 00
11309	Sweezy, Alpha	518 00	300 00	218 00
15462	Tackett, Samuel	100 00		100 00
9757	Tadlock, James	303 50	189 00	114 50
9755	Tadlock, Joshua	569 00		569 00
10733	Teague, Abram O. P	170 00		170 00
10958	Tesh, Emanuel	100 00		100 00
8227	Thayard, Susan	982 75		982 75
2381	Thigpen, William	673 55		673 55
1935	Thompson, Maria	558 05	305 00	253 05
10298	Thornton, Samuel J	1,622 50		1,622 50
15614	Tise, Jacob	150 00	150 00	
15722	Tise, Solomon	275 00		275 00
11820	Towe, Joseph B	225 00		225 00
16655	Townsend, John T	992 50		992 50
15928	Transon, Joseph	190 00	150 00	40 00
9890	Trice, Pleasant	1,230 75		1,230 75
17716	Triplett, Rebecca	200 00		200 00
15865	Tugman, James F	175 00		175 00
15929	Tuttle, Alexander	258 00		258 00
15930	Tuttle, William	130 00		130 00
10723	Waggoner, Spencer	100 00		100 00
17525	Walker, John T	632 50	299 00	333 50
17526	Walker, Richard	328 00	225 00	103 00
16903	Walker, Wilson	100 00		100 00
14303	Wall, John W	176 50		176 50
11566	Ward, Andrew	75 00	60 00	15 00
12134	Ward, Leah	1,075 00		1,075 00
3202	Ward, Timothy	230 00		230 00
15723	Warner, Jacob, sr	164 30		164 30
15931	Warren, Reuben	350 00		350 00
14304	Waterson, Robert	125 00	125 00	
11542	Weaver, Thomas S	702 00	441 00	261 00
1960	Weeks, Drury	425 00		425 00
17312	Wells, Hulda	125 00	125 00	
17729	Wescott, John	3,375 00		3,375 00
15554	West, James H	350 50	146 00	204 50
15724	Westmoreland, Nathaniel G	172 50		172 50
12030	White, Elijah	228 50	170 00	58 50
11926	White, Henry A	150 00	80 00	70 00
15932	White, John H	250 00		250 00
11567	Whittington, Parker	124 00	75 00	49 00

Schedule of claims reported—Continued.

Name.	Amount claimed.	Amount allowed.	Amount disallowed.
NORTH CAROLINA—Continued.			
Wiggins, Jacob	$173 50	$73 50	$100 00
Wilbar, John S. O	640 00	.....	640 00
Wiley, Reding	275 00	110 00	165 00
Williams, Bryant	263 25	.....	263 25
Williams, James	1,062 50	.....	1,062 50
Williams, John, sr	209 00	.....	209 00
Williams, Nasa S	240 00	.....	240 00
Williford, Henry J	374 00	.....	374 00
Wilson, Samuel	140 00	75 00	65 00
Wilson, Willis C	245 00	.....	245 00
Winckler, Charles A	308 25	.....	308 25
Winn, Levi	1,290 41	987 50	302 91
Winn, Washington	1,013 50	568 00	445 50
Winslow, Nathan	713 00	412 00	301 00
Worley, Levi	312 75	152 00	160 75
Yates, Calvin	641 05	.....	641 05
Yokley, Andrew	500 00	.....	500 00
Young, Lewis	100 00	100 00	.....
Young, William	2,028 00	.....	2,028 00
SOUTH CAROLINA.			
Barentine, Peter	2,980 00	.....	2,980 00
Blake, Arthur M	400,000 00	.....	400,000 00
Boozer, estate of Lemuel	3,011 50	1,663 00	1,348 50
Brady, Patrick	3,900 00	.....	3,900 00
Britt, Thomas P	2,991 00	.....	2,991 00
Brown, estate of James	1,522 00	.....	1,522 00
Caulfield, Martin	4,984 00	.....	4,984 00
Culler, Wesley W	4,056 00	.....	4,056 00
De Graffenreid, estate of Tscharner	1,750 00	1,250 00	500 00
Grant, Jeremiah	1,340 00	1,142 50	197 50
Harvey, estate of Milo A	4,735 00	.....	4,735 00
Kennedy, A. W	2,910 00	.....	2,910 00
Klipstein, Louis F	2,505 00	.....	2,505 00
Koon, Solomon D	285 00	.....	285 00
Leetze, Jacob	2,268 50	741 00	1,527 50
Moran, William	800 00	.....	8,000 00
Morgan, estate of John	1,179 90	710 00	469 90
Pedding, Julia D	360 00	.....	360 00
Reed, Edward	552 00	.....	552 00
Reynolds, Mark	1,115 00	800 00	315 00
Robertson, David G	2,720 00	1,950 00	770 00
Robertson, John	2,650 00	2,375 00	275 00
Sheridan, John	3,000 00	.....	3,000 00
Shumpert, Noah	306 85	152 00	154 35
Smith, Israel	489 00	.....	489 00
Smoak, Henry L	1,552 08	.....	1,552 08
Spigg, Ross	5,000 00	.....	5,000 00
Stubbs, Thoroughgood P	858 00	.....	858 00
Summer, William	3,000 00	.....	3,000 00
Vakfer, Charles S	5,000 00	.....	5,000 00
TENNESSEE.			
Abbott, Emer G	2,000 00	.....	2,000 00
Adams, George W	135 00	100 00	35 00
Alderson, John B	1,995 00	.....	1,995 00
Alexander, Stephen H	400 00	275 00	125 00
Allen, William J	150 00	100 00	50 00
Allison, William A	533 00	.....	533 00
Anderson, Martin D	400 00	250 00	150 00
Armstrong, Edward	340 00	.....	340 00
Armstrong, William C	650 00	400 00	250 00
Arrowood, Thomas	40 00	40 00	.....
Ash, James W	140 00	100 00	40 00
Babb, Catherine	760 00	500 00	260 00
Bacon, Dina A	210 00	150 00	60 00
Bailey, estate of William	603 50	180 00	423 50
Baird, James P	1,027 33	.....	1,027 33
Banks, Elizabeth	729 00	204 00	525 00
Bashor, estate of Christian	718 40	.....	718 40
Bashor, Lucy E	459 00	.....	459 00
Bashor, Peter	322 20	292 20	30 00
Bennett, James W	200 00	30 00	170 00
Best, Elias S	3,147 87	1,771 00	1,376 87
Bible, Christian	375 00	235 00	140 00
Blackstone, Hudson	250 00	150 00	100 00
Blair, estate of W	2,280 00	1,010 00	1,270 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed
	TENNESSEE—Continued.			
9470	Blakemore, James L	$1,429 90		$1,429
10444	Blevins, Isaac	580 75	$264 25	316
14547	Bolton, Samuel	1,295 00	880 00	415
9140	Bowling, James A	3,000 00		3,000
14044	Brabson, Oscar M	1,410 00		1,410
14063	Brayles, Jacob	145 00	145 00	
5653	Branson, Samuel D	170 00	160 00	10
4263	Brazleton, Green	2,955 00	1,770 00	1,185
10341	Brewer, Nathaniel	450 00		450
16568	Brown, Eli	350 00	100 00	250
14244	Brown, James	547 50		547
13850	Brown, William	157 00	105 00	52
13851	Brown, William and Thomas H	400 00		400
14064	Brumley, Andrew J	150 00		150
10036	Bryan, William H	373 00	252 00	121
1510 1511 1514 1515	Bryant, administrator of Zach	4,227 00		4,227
13852	Burgner, Henry	125 00	125 00	
12872	Bussell, Mary	915 00		915
15379	Butt, Diana	707 00		707
6634	Cage, John O	2,926 28		2,926
14066	Caldwell, Reuben	4,320 00	4,320 00	
13350	Campbell, Jennie	175 00		175
13853	Campbell, John	1,730 00		1,730
13384	Carden, Rufus M	300 00	125 00	175
11081	Cardwell, William S., jr	200 00	100 00	100
6630	Carnes, Andrew W	525 00	103 00	422
15141	Casey, Samuel, sr	2,520 00	1,105 00	1,415
19419	Cass, James M	479 45	380 72	98
15086	Chaffin, James B	710 00		710
12061	Chaffin, Thornton, and Cyrus Webster	463 50	267 00	196
11702	Chambers, John	130 00		130
14067	Chase, Walter J	384 00	130 00	254
13624	Cherry, John	120 00	120 00	
10234	Chitwood, John	560 00		560
13378	Clark, Eli S	334 50	292 50	42
5532	Clark, Samuel P	600 00		600
8843	Clevenger, Elizabeth	200 00	120 00	80
18108	Coffey, Daniel	208 00	193 00	15
7867	Coile, James C	653 50	444 00	209
18372	Collet, John E	90 00	60 00	30
8978	Collins, James	622 00	416 00	206
18396	Collins, James E	500 00	325 00	175
15944	Collins, Pinckney	838 00	510 00	328
17760	Collins, William	136 00	100 00	36
5053	Cook, James R	200 00	100 00	100
17568	Cooper, Thomas	728 75		728
10237	Corn, George W	2,060 00		2,060
14069	Cox, Elbert S	84 50	84 50	
11701	Cox, Moses	450 00		450
5310	Crockett, James, sr	2,572 50	1,066 40	1,506
10545	Crowder, Terrell T	475 00		475
7954	Crownover, Benjamin	1,752 80		1,752
13625	Cunningham, Levi	349 50	185 00	164
8819	Curtis, John A	2,111 00		2,111
15625	Daugherty, Matthew	145 00		145
14072	Davis, Jerry W	731 00	365 50	365
13540	Davis, Thomas	237 00	135 00	102
7981	Davis, William G	1,487 00		1,487
12919	Denike, William	862 00		862
11725	Denton, Charles	150 00		150
17382	Derrick, Erastus L	125 00	125 00	
12885	Dice, George W	595 40		595
18102	Dixon, William M	225 00	175 00	50
14073	Dobson, David M	440 00	360 00	80
14074	Dobson, Isaac C	525 00		425
14075	Dobson, Mary A	201 00	170 00	31
19420	Dodson, William L	325 00	237 00	88
14077	Donnelly, R. H. M	150 00	150 00	
14078	Drake, Etsell M	465 00	240 00	225
809	Drake, Henry C	1,900 00	540 00	1,360
12857	Dyer, Richard F	175 00	125 00	50
13855	Earnest, Harvey W	180 00		180
13856	Earnest, James O	950 00		950
13547	Earnest, Jesse R	896 83	513 00	383
14080	Easterly, Jonathan H	341 00	68 00	273
15949	Edwards, Gincey	1,105 00		1,105

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	TENNESSEE—Continued.			
15951	Elliott, Elizabeth	$595 00	.....	$595 00
14081	Ellis, Isaac	300 00	$250 00	50 00
13543	Ellis, John W	440 00	375 00	65 00
12060	Embry, Emily S	1,564 00	.....	1,564 00
14079	Ernest, estate of Isaac	88 00	.....	88 00
21033	Evans, James M	250 00	250 00	.....
7510	Exum, Lucy Ann	265 00	200 00	65 00
12859	Fain Alexander	180 00	.....	180 00
14167	Farley, John A	2,976 00	.....	2,976 00
7511 7512	Farrow, Joseph J	1,551 00	.....	1,551 00
11137	Faulk, Jacob C	921 00	.....	921 00
14083	Fellers, Sarah G	50 00	25 00	25 00
13857	Fellers, Susan E	140 00	110 00	30 00
15734	Feltz, estate of J	1,160 00	845 00	315 00
10809	Fogg, Sarah L	2,999 00	1,219 00	1,780 00
15879	Foster, William	380 50	.....	380 50
13858	Fox, James, sr	270 20	202 00	68 20
14084	Fraker, George W	260 00	.....	260 00
9514	Francis, Henry C	225 00	225 00	.....
7513	Francis, John M	125 00	125 00	.....
12476	Fulton, Hugh	150 00	110 00	40 00
13066	Gaines, William N	939 00	380 00	559 00
14085	Gallagher, John	123 00	.....	123 00
17758	Garner, Griffin	325 00	180 00	145 00
17759	Garner, John	120 00	95 00	25 00
850	Gee, James W	3,640 00	.....	3,640 00
13551	Gerstle, Abraham	445 00	272 50	172 50
17451	Gettys, James	285 00	220 00	65 00
11224	Gholson, Aaron	325 00	250 00	75 00
11223	Gholson, Anthony	700 00	525 00	175 00
9879	Gillespie, George L., John M., *et al*	25,911 30	5,485 00	20,426 30
14088	Good, Solomon	250 00	165 00	85 00
14087	Good, William	175 00	150 00	25 00
16441	Gott, John G	140 00	140 00	.....
5641	Graham, Samuel R	250 00	.....	250 00
10204	Graham, Samuel R	200 00	50 00	150 00
7021	Gray, Boswell T	680 00	195 00	485 00
12442	Gray, Isaac	2,981 90	.....	2,981 90
8980	Greer, William	986 00	446 00	540 00
10310	Grigsby, William	820 00	760 00	60 00
13770	Grinn, James P	407 50	208 00	199 50
11101	Groom, William H	140 00	110 00	30 00
14049	Haga, Eliza	120 00	100 00	20 00
12871	Hagood, Sarah A	296 00	175 00	121 00
14091	Hale, Hiram D	275 00	250 00	25 00
6762	Hammond, Miles M	1,355 00	.....	1,355 00
10813	Hancock, Hull H	875 16	475 16	400 00
15628	Haney, William	200 00	200 00	.....
17205	Hanlon, Sister Ann, superioress of St. Cicelia Academy	4,275 00	.....	4,275 00
10812	Hannah, Andrew	300 00	.....	300 00
14093	Harold, James W	130 00	.....	130 00
21957	Harden, Nancy, and Nancy A. Huadrick	320 00	270 00	50 00
14092	Hardin, Cornelius	75 00	75 00	.....
13562	Harmon, Harrison C	635 00	280 00	355 00
8695	Harris, Crampton S	2,993 75	.....	2,993 75
18788	Harrison, Benjamin T	539 00	346 00	193 00
10639	Hart, Mary A	850 00	.....	850 00
14094	Hart, Solomon	125 00	.....	125 00
14095	Hartman, Joseph	312 50	.....	312 50
5056	Hatler, Gilbert H	150 00	100 00	50 00
8372	Haumer, Horace H	2,241 00	.....	2,241 00
14561	Haynes, Ephraim M	2,087 50	255 00	1,832 50
13883	Hays, Joshua O	314 00	144 00	170 00
14096	Head, Amanda M	150 00	.....	150 00
21955	Headrick, Minerva T	264 00	249 00	15 00
12896	Henard, William J	365 00	.....	365 00
6570	Henderson, F. H	2,621 25	.....	2,621 25
5057	Hester, Hinton G	377 00	91 00	286 00
12636	Hewitt, Jesse T	1,756 00	.....	1,756 00
9967	Hill, John J	500 00	.....	500 00
14195	Hobbs, Jesse B	305 50	.....	305 50
8237	Holt, John M	675 00	.....	675 00
11692	House, Mary J	165 00	125 00	40 00
1536	Huey, William	150 00	135 00	15 00
11695	Hughes, Henry C	425 00	200 00	225 00
14098	Hughes, John	460 00	270 00	190 00
13940	Hughes, estate of John P	1,978 50	.....	1,978 50
6781	Hurst, Fielding	3,420 00	2,335 00	1,085 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	TENNESSEE—Continued.			
15629	Hutsell, Andrew	$150 00		$150 00
11077	Irwin, W. H	1,029 00	$303 00	726 00
29	Jackson, Hugh C	3,952 00		3,952 00
12851	Johnson, Lilbourn	150 00	125 00	25 00
14010	Johnson, Nancy	60 00	50 00	10 00
12869	Johnson, Sanford	2,100 70		2,100 70
4908	Johnson, Thomas J	778 00		778 00
12846	Johnston, Joseph R	523 50	410 00	113 50
18817	Johnston, Samuel M	2,297 00	802 00	1,495 00
8711	Jolly, Elizabeth	378 00	178 50	199 50
12444	Jones, Charles L	2,480 00		2,480 00
7608	Jones, Eli A	395 00	185 00	140 00
13546	Jones, John	2,138 00	733 40	1,405 60
12056	Jones, Joseph D	1,260 00		1,260 00
12653	Jones, Readick Y	276 00	16 00	260 00
10136	Jones, William H	403 00		403 00
7882	Karr, John H	1,050 00		1,050 00
14100	Keebler, Samuel	230 00	185 00	45 00
11308	Kiggins, William	272 50	70 00	202 50
16264	Kelley, Nathan	320 00	250 00	70 00
12862	Kelley, Polly	250 00	200 00	50 00
14101	Kenney, George E	178 00		178 00
13772	Kerby, Calvin A	150 00	120 00	30 00
13562	Kilgore, Stephen	815 00	130 00	685 00
12895	King, estate of Elizabeth	130 00		130 00
12842	King, Hiram	160 00		160 00
13373	King, Stephen	125 00	125 00	
21034	King, William H	150 00	145 00	5 00
13554	Kirk, Abraham B	875 00	200 00	675 00
13555	Kirk, Rebecca E	1,167 00	367 00	800 00
10912	Kite, Martha	225 00	150 00	75 00
14051	Klipper, John B	730 00		730 00
14102	Lang, Job	150 00	100 00	50 00
12445	Larkin, William	2,510 55	914 50	1,596 05
12881	Larrence, Jonathan	826 00		826 00
12852	Lawson, Calaway H	150 00	110 00	40 00
12867	Lawson, Preston	150 00	120 00	30 00
15630	Lewis, estate of David	707 50	385 00	322 50
9142	Lewis, John E	874 50		874 50
15577	Lewis, Mary A	197 00	131 00	66 00
13381	Lewis, Susan K	230 00		230 00
7872	Line, Madison	258 00	198 00	60 00
12446	Lipscomb, William C	2,193 00		2,193 00
14992	Littleton, Mary E	608 80		608 80
18444	Litz, Job and Lucinda	130 00		130 00
10309	Long, James	415 00	335 00	80 00
15380	Long, Sacrissa M	1,382 50		1,382 50
13541	Low, Alfred B	140 00	100 00	40 00
14196	Loyd, Ervin	150 00	120 00	30 00
15860	McCrosky, Robert H	240 00	125 00	115 00
10637	McDowell, John M	565 00		565 00
7517	McGough, Minerva J	3,142 00		3,142 00
14103	McKeehan, William A	295 00		295 00
11994	McKenna, Samuel	4,970 50		4,970 50
12860	McKinney, Alfred	405 00	140 00	265 00
12922	McLean, Charles D	3,930 00		3,930 00
12884	McLean, William M	925 00	214 00	711 00
13860	McMahon, James	125 00	110 00	15 00
11365	McMannaman, Mary	700 00		700 00
14105	McNees, Elihu	140 00	110 00	30 00
14104	McNees, Jacob	175 00	140 00	35 00
13764	McVey, Joseph P	750 00	500 00	250 00
10747	Madrey, John P	658 01		658 01
12527	Malone, Elias	1,365 12		1,365 12
14106	Maltsbarger, Catherine	150 00	125 00	25 00
21035	Maples, Gideon M	125 62	125 62	
12081	Maples, James	585 50	390 50	195 00
21036	Maples, Melissa C	216 25	216 25	
10456	Marshall, Enoch	130 00	130 00	
3026 3027	Martin, William	745 16	445 72	299 44
15406	Mask, Jesse	1,210 00		1,210 00
16771	Mason, Martha M	2,030 00		2,030 00
18101	Matlock, John W	1,085 00	770 00	315 00
5059	Maxey, Edward	140 00	100 00	40 00
16879	Merritt, James P	1,018 60	706 60	312 00
7530	Miller, Daniel	2,110 00	460 00	1,650 00
15632	Miller, Julius	150 00	125 00	25 00
14111	Miller, Sarah	150 00	150 00	

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	TENNESSEE—Continued.			
4212	Moony, Ann M	$422 00		$422 00
15633	Moore, Daniel	100 00	$100 00	
11694	Moore, Edwin L	150 00		150 00
11697	Moore, Josiah H	150 00		150 00
10340	Moore, R. G	207 50	13 00	194 50
14130	Morelock, Thomas	155 00		155 00
10472	Morrisett, Richard M	235 00		235 00
7368	Morrow, Samuel K	755 00	260 00	495 00
4567	Moss, Benjamin A	270 00	270 00	
16263	Moss, Hardy	150 00	125 00	25 00
14110	Myers, Jacob	1,578 25	775 00	803 25
14108	Myers, James	150 00	50 00	100 00
17961	Neelev, William H	902 50	518 00	384 50
1205	Nelson, Elisha	1,140 00		1,140 00
14114	Nelson, Nathan	101 00	50 00	51 00
7369	Nolen, Z. C	700 00		700 00
14389	Oliver, Richard	299 00	195 00	104 00
5446	Owen, Charles	2,100 17	404 00	1,696 17
16265	Owen, William C	674 32		674 32
5244	Parham, Margaret F	150 00		150 00
14115	Park, James	695 00	287 00	408 00
4719	Park, William	1,322 75		1,322 75
18337	Parker, Allen	1,095 00	580 00	515 00
18106	Parkison, estate of Daniel	752 00	500 00	252 00
18107	Parkison, James	352 50	285 00	67 50
10640	Parks, Asbury	2,340 00		2,340 00
14563	Parsons, Lewis, and William Law	1,362 50	145 00	1,217 50
4935	Patterson, Simpson A	1,654 50		1,654 50
15261	Patton, Benjamin	1,031 00	711 00	320 00
7922	Pearson, Mary J	150 00	100 00	50 00
1539	Peck, William	200 00		200 00
7024	Penix, John	150 00		150 00
10342	Perritt, Johnson	612 50		612 50
10465	Phillips, William T	150 00		150 00
17450	Pierce, David	275 00	225 00	50 00
14566	Pinion, McCama C	520 00	235 00	285 00
13377	Porter, Milvin	475 00	475 00	
18104	Porter, William B	2,924 50	909 00	2,015 50
12189	Poston, Benjamin F	1,530 00		1,530 00
8845	Pullen, Eaton	2,925 00		2,525 00
10137	Pursley, Catherine	190 00		190 00
10134	Pursley, Wilson Y	238 00	178 00	60 00
14379	Putnam, estate of Waldo W	1,165 00		1,165 00
8846	Quarles, Mary	270 00		270 00
13549	Rader, Reuben M	1,003 32	225 00	778 32
14119	Rambo, Enos H	150 00	120 00	30 00
13548	Rankin, William B	369 55	180 00	189 55
10913	Read, Daniel J	1,053 00	708 00	345 00
15634	Reagan, Malinda	150 00	125 00	25 00
11691	Reavis, Elijah R	115 00	115 00	
11078	Reed, J. P. C	497 00		497 00
15407	Rieney, George S	1,246 20		1,246 20
6722	Renfro, Samuel S	420 00	155 00	265 00
16614	Rhea, Matilda	125 00	110 00	15 00
15635	Rice, Austin, jr	150 00	100 00	50 00
7046	Rich, Joseph N., jr	196 00		196 00
6426	Richesin, Jane	542 77		542 77
10549	Rieves, Thomas J	150 00		150 00
14439	Robbins, Milo	1,392 75	360 00	1,032 75
10757	Rodgers, John	950 00	245 00	705 00
18100	Rodgers, John	609 00	216 00	393 00
19735	Roller, estate of John	300 00	150 00	150 00
13544	Rosenblatt, P. G	200 00	80 00	120 00
11690	Ross, Wiley C	146 00	125 00	21 00
10271	Rowland, Amos	180 00	135 00	45 00
10210	Rowland, Eben	150 00	110 00	40 00
10269	Rowland, estate of Thomas	300 00	250 00	50 00
13542	Rudder, John W	297 63	150 00	147 63
7744	Ruohs, Joseph	36,830 15		36,830 15
4402	Russell, Thomas	619 00	43 00	576 00
18899	Rutledge, Benjamin	150 00	125 00	25 00
12777	Sandusky, James	368 00		368 00
12366	Saulpaw, George W	100,571 00		100,571 00
16128	Saunders, Abraham	150 00	120 00	30 00
5062	Scates, Susan C	773 00	362 40	410 60
11140	Scates, William D	267 00		267 00
13865	Self, Harrison	577 90	420 00	157 90
13866	Self, Thomas F	200 00	40 00	160 00
18c96	Sevier, David	2,037 25		2,037 25

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	TENNESSEE—Continued.			
18099	Sharp, Mary D	$222 50	$150 00	$72 50
10751	Sherrill, John S	170 00		170 00
10754	Sherrill, Samuel	2,077 00		2,077 00
17452	Shoemaker, Calaway	140 00	125 00	15 00
10811	Simmons, Lavinia	498 00		498 00
14121	Simpson, George B	383 00		383 00
12894	Skelton, Alex	300 00		300 00
2834	Smith, Henry S	612 00	510 00	102 00
14052	Smith, John S	130 00	30 00	100 00
14053	Smith, Mary	1,130 00		1,130 00
5559	Smith, Thomas A	150 00	125 00	25 00
6931	Somervell, Helen H	1,300 00		1,300 00
1569	Spellings, William J. C	150 00		150 00
13867	Squibb, John	384 00	205 00	179 00
10287	Stailey, Sarah J	4,655 00		4,655 00
8022	Staples, Millia	300 00		300 00
11521	Staples, Millia	995 00	589 00	406 00
17761	Stephens, Andrew	128 00	100 00	28 00
1572	Stewart, James	225 00	150 00	75 00
18105	Stone, estate of Benjamin J	365 75	277 00	88 75
7524	Stowe, Lemuel C	150 00	100 00	50 00
14054	Strain, William J	150 00		150 00
10547	Sullivan, John	363 50		363 50
16817	Talbert, William T	720 00	525 00	195 00
13636	Tally, Nancy	393 75	200 00	193 75
11336	Tatum, Sion	561 00		561 00
12844	Taylor, George W	345 00	220 00	125 00
14055	Telford, George W	116 65		116 65
13774	Thacker, Shepherd	412 50	240 00	172 50
21039	Thomas, estate of Henry M	655 73	378 75	276 98
9070	Thomas, John F	2,750 00	750 00	2,000 00
14239	Thomas, William S	2,975 00		2,975 00
4261	Thomason, John W	753 00		753 00
15088	Thomson, Frederick A	2,016 00		2,016 00
14568	Travis, Mary Ann	851 00		851 00
12449	Trigg, Joseph W	2,208 00		2,208 00
13348	Trotter, James T	761 55	606 65	155 00
7371	Tucker, James	975 00		975 00
1003	Turner, William P. H	1,829 00		1,829 00
12850	Venable, Daniel	250 00	250 00	
7528	Verbine, E. H	156 00		156 00
14123	Vestal, C. M	240 00	180 00	60 00
12443	Wakefield, Joseph N	925 00		925 00
15950	Wallace, Ethelbert S	593 00	366 00	227 00
3419	Walt, Rufus P	3,750 00		3,750 00
15566	Watson, Thomas S	637 00	275 00	362 00
12863	Watterson, Calvin	325 75	220 00	105 75
1578	Wheeler, John A	175 00		175 00
12845	White, James	1,238 50		1,238 50
12874	White, James	3,000 00		3,000 00
10909	White, Mahlon	170 00	140 00	30 00
15707	White, William W	140 00	125 00	15 00
12059	Wiley, Addie	839 50		839 50
11225	Wilkes, Amelia	325 00	250 00	75 00
10135	Williams, James W	320 00	250 00	70 00
14124	Williams, Nathaniel T	580 00	425 00	155 00
13767	Willoughby, James G	259 50	161 00	98 50
14107	Willoughby, estate of John	1,380 96	481 64	899 32
14109	Willoughby, estate of John	310 00	250 00	60 00
17397	Wilson, David W	355 80	355 80	
10623	Wilson, Granderson	1,325 00		1,325 00
11698	Wilson, William T	660 00	240 00	420 00
17396	Wood, Samuel O	592 50	420 00	172 50
21042	Woodside, Joseph B	3,703 20	987 20	2,716 00
18779	Wright, Demarcus L	291 25	106 00	185 25
10638	Yancy, Edward G	120 00		120 00
9094	Yell, Francis M	2,500 00	1,250 00	1,250 00
13991	Yost, William K	428 00		428 00
14125	Young, Catherine	135 00	120 00	15 00
	TEXAS.			
4273	Behner, Benedict	600 00	175 00	425 00
12358	Cleveland, Philemon	1,000 00		1,000 00
14806	Morgan, George A	2,915 00		2,915 00
4382	Volk, estate of George W	3,000 00	500 00	2,500 00
16724	Ziphian, Wilhelmina	2,700 00		2,700 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	VIRGINIA.			
11026	Able, George F	$1,367 25	$257 66	$1,109 59
11833	Allen, Catherine A. S	838 50	.....	838 50
11106	Allen, Lotten B	6,068 75	.....	6,068 75
10701	Anderson, Henry	660 00	370 00	290 00
14164	Ashby, Mary	197 00	125 00	72 00
199	Atlee, Jacob S	14,000 00	.....	14,000 00
9510	Attkisson, Lucian B	300 00	.....	300 00
223	Auld, estate of George	5,036 00	1,128 00	3,908 00
20936	Avery, William W	715 00	391 00	324 00
14885	Bacon, Allen	235 00	.....	235 00
12424	Baguet, William	150 00	100 00	50 00
9979	Baker, James	50 00	.....	50 00
17682	Baker, Samuel M	1,791 50	.....	1,791 50
1403	Ball, Sallie	240 00	.....	240 00
13927	Barber, estate of David	9,401 50	666 00	8,735 50
11974	Bayliss, Augustine	432 50	300 00	132 50
17303	Beahm, Henry A	489 75	.....	489 75
15991	Beard, James W	108 00	.....	108 00
16338	Beckley, William C	700 00	.....	700 00
12425	Beeson, estate of Lewis R	320 00	270 00	50 00
11435	Birch, Mary	745 00	455 00	290 00
11437	Birch, Samuel	1,260 00	620 00	640 00
20337	Blackburn, M., and John F. Lewis	4,806 50	2,289 66	2,516 84
11893	Blockley, Eugene	710 00	.....	710 00
17164	Bosman, William	340 00	.....	340 00
14890	Bowen, estate of Joseph	4,240 00	2,386 00	1,854 00
17165	Bowman, Jacob	600 00	.....	600 00
634	Bowman, Leonard	3,408 00	1,017 50	2,390 50
14852	Bradby, Evans	1,213 50	575 00	638 50
14977	Bradby, Pleasant	848 00	305 00	543 00
15494	Bradby, estate of Sterling	689 00	351 00	338 00
13786	Bradley, Harriet	470 00	.....	470 00
13473	Branson, Polly	150 00	.....	150 00
9123	Brenneman, David C	507 00	.....	507 00
14014	Brent, Elias	208 25	83 75	124 50
14979	Brisby, estate of Matilda	454 40	.....	454 40
11322	Bromley, John	309 44	274 05	35 39
317	Brooke, Francis J	11,816 00	.....	11,816 00
4898	Brown, Henry	96 75	45 00	51 75
3001	Brown, John W	1,037 00	708 00	329 00
1187	Brown, Nimrod	101 50	15 00	86 50
13788	Brown, Sarah W	1,612 50	.....	1,612 50
19209	Brown, William	487 00	157 00	330 00
9917	Brown, William H	845 00	430 00	415 00
9733	Brunk, Christian	423 50	101 00	322 50
17284	Buck, Lavinia	951 00	457 50	493 50
11715	Buffin, Alfred R	10,198 00	.....	10,198 00
11603	Buncuter, John H	1,127 50	.....	1,127 50
13789	Burk, James	925 00	.....	925 00
3243	Burton, Nancy	245 00	.....	245 00
18271	Bushrod, John T	255 00	.....	255 00
58	Butler, Pierce	170 00	124 00	46 00
12410	Butts, estate of William	223 00	169 00	54 00
9912	Caln, John	1,300 00	.....	1,300 00
1184	Carter, Benjamin S	372 50	.....	372 50
2429	Carter, Ruth	150 00	125 00	25 00
1381	Carwell, Michael	721 00	.....	721 00
11323	Cather, William	538 75	253 00	285 75
12088	Charity, Maria	200 00	25 00	175 00
1185	Chivis, John	111 50	19 50	92 00
15132	Clarke, Elizabeth	150 00	.....	150 00
11374	Clarke, Henry C	700 00	.....	700 00
15671	Clark, George J	1,570 00	.....	1,570 00
13330	Clark, John T	8,532 50	5,255 00	3,277 50
9089	Clark, Martha S	796 00	.....	796 00
2015	Clay, Elizabeth H	14,180 00	.....	14,180 00
11803	Coe, Aurelius and Maria L	10,865 00	.....	10,865 00
12415	Colburn, estate of Israel	1,218 00	.....	1,218 00
14016	Coles, Mark	425 50	170 00	255 50
11028	Conard, Abner	2,773 20	587 20	2,186 00
11029	Conard, Ebenezer J	1,746 00	.....	1,746 00
9913	Cooper, Harrison	1,280 00	579 00	701 00
10627	Copp, George W	1,166 50	.....	1,166 50
4440	Corbett, Frank E	4,342 16	459 00	3,883 16
8965	Courtney, William J	668 00	380 00	288 00
14678	Cox, Cumberlin G	1,000 00	.....	1,000 00
3922	Coyle, Jane E	1,412 50	.....	1,412 50
10321	Craig, Frederick	1,351 25	.....	1,351 00
230	Crawford, William E	150 00	.....	150 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	VIRGINIA—Continued.			
12423	Crim, Susan	$100 00		$100 00
11492	Crone, David	2,024 00	$560 00	1,464 00
14340	Cropp, Carter B	1,410 00		1,410 00
17234	Dade, Nace	190 00	100 00	90 00
15545	Davis, James M	421 50		421 50
10149	Davis, John H	315 00		315 00
12722	Davis, Susan A	3,750 00		3,750 00
11597	Deaton, Eliza	325 00	200 00	125 00
16043	Deming, Eliza J	1,000 00	440 00	560 00
11032	Demory, estate of M	1,243 75	407 62	836 13
11033	Derry, Eli	314 00	228 00	86 00
11034	Derry, George W	1,119 50	614 00	505 50
11035	Derry, John P	475 00	125 00	350 00
11037	Derry, Philip	1,909 00	404 00	1,505 00
11038	Derry, Philip, of Peter	1,100 00	205 00	895 00
5860	Dewese, Larkin	158 50	125 00	33 50
9916	Dick, Edward	1,385 00	1,242 00	143 00
15872	Dickinson, William T	402 75	216 00	186 75
9734	Diehl, Matthias	634 00		634 00
3402	Dillard, James M	4,255 00	3,210 00	1,045 00
11751	Dixon, Henry W	525 00	275 00	250 00
16647	Dodge, Allen and Robert P	13,291 00	2,227 00	11,064 00
6868	Doggett, William	310 00		310 00
18485	Donaldson, James	2,244 67	610 16	1,634 51
14430	Dougherty, Thompson	685 00	153 00	532 00
9520	Downs, William S	2,878 00		2,878 00
16920	Driver, Jacob	1,065 00		1,065 00
8988	Dudley, estate of Trueworthy	2,241 00	1,015 00	1,226 00
170	Duke, Thomas H	250 00		250 00
9841	Dungey, Jesse	290 00	150 00	140 00
10630	Dunlap, William W	150 00	150 00	
10317	Dyson, John	2,991 00	1,892 50	1,098 50
8937	Early, Henry	1,927 00		1,927 00
16877	East, James K	175 00	115 00	60 00
8307	Elliott, William	3,760 00	665 00	3,095 00
15497	Elmore, estate of Elizabeth	551 00	333 80	217 20
1104	Engleman, Philip	675 00		675 00
9672	Eppes, Robert P	1,483 00		1,483 00
14572	Evans, Richard	268 00		268 00
16919	Fallin, estate of John H	2,000 00		2,000 00
625	Farish, James	3,050 00		3,050 00
304	Fawcett, Elkanah	3,174 00		3,174 00
12414	Fenton, Mary J	400 00	125 00	275 00
13777	Fessenden, Sarah A	1,875 00	500 00	1,375 00
11105	Fisher, John	7,865 00		7,865 00
14809	Fisher, Martha A	4,911 50		4,911 50
12619	Fitzhugh, Sally J	400 00		400 00
10708	Fletcher, George R	689 11		689 11
14573	Flippins, Elizabeth	430 00		430 00
10184	Foltz, Samuel	9,381 50	3,531 00	5,850 50
14374	Ford, Matthew and Jane	425 00	160 00	265 00
17448	Foremon, Alex. N	475 00		475 00
17449	Foreman, Naharia	1,435 00		1,435 00
5013	Forrest, Josiah D	260 00	30 00	230 00
20932	Foster, Edmund	75 00	70 00	5 00
9918	Fowler, William	670 00	410 00	260 00
14803	Fox, estate of John	24,561 00	7,545 00	17,016 00
19206	Fox, Thomas	908 00	473 00	435 00
442	Fry, George M	1,375 00		1,375 00
17263	Gaines, Hester	100 00		100 00
12089	Gale, Randall	475 00	50 00	425 00
147	Gallagher, Hugh L	32,587 50		32,587 50
8936	Garber, Abraham	1,345 00		1,345 00
9736	Garber, estate of Christian C	1,245 00		1,245 00
38	Gardner, Alfred W	12,000 00	10,000 00	2,000 00
3061	Gardner, James L	150 00	125 00	25 00
171	Garland, Thomas	400 00	400 00	
14574	Garner, Griffin	493 00		493 00
18173	Gaskins, Oliver, sr	646 00	239 00	407 00
20919	Gaskins, Oliver, 2d	992 00	365 00	627 00
20920	Gaskins, Oliver, 3d	440 00	355 00	85 00
16921	Geil, Henry	606 75		606 75
8701	Geil, John	648 00		648 00
16661	Gentry, Louisa A	375 00		375 00
14575	George, Joseph	1,150 00		1,150 00
20712	George, Samuel W., jr	300 00		300 00
20711	George, heirs of Solomon	2,287 00	178 85	2,108 15
11857	Gilchrist, Walter	50 00	50 00	
15934	Godwin, William	655 00	175 00	480 00

Schedule of claims reported—Continued.

No.	Names.	Amount claimed.	Amount allowed.	Amount disallowed.
	VIRGINIA—Continued.			
1407	Gollahorn, Thomas	$838 50	.....	$838 50
1885	Goodwin, estate of Annie	247 57	$139 64	107 93
16644	Goodman, Christopher C	300 00	.....	300 00
9491	Gover, Henry T	283 00	60 30	222 70
17127	Gray, William	700 00	70 00	630 00
12706	Grimsey, John S	1,690 00	1,270 00	420 00
17262	Gulick, Derrick H	500 00	.....	500 00
14048	Guthrie, David	849 00	.....	849 00
14090	Guthrie, David	300 00	.....	300 00
15228	Guy, Charles B	3,116 85	684 60	2,432 25
9306	Hall, George G	646 00	.....	646 00
11590	Hancock, Anthony	150 00	.....	150 00
15321	Hansell, James W	3,332 00	.....	3,332 00
14744	Hardwick, A. L	514 00	.....	514 00
11657	Harper, Charles F	200 00	.....	200 00
1918	Harris, Charles P	470 75	234 00	236 75
15498	Harris, Emeline	200 00	100 00	100 00
20921	Harris, Kitty	796 00	490 00	306 00
18172	Harris, Moses	147 00	107 00	40 00
1186	Harris, William	195 00	135 00	60 00
13793	Harvey, James	1,442 50	.....	1,442 50
444	Haws, William	1,170 00	.....	1,170 00
810	Hawxhurst, John and Job	1,187 89	495 50	692 39
10259	Hayden, Thomas	585 00	.....	585 00
16334	Hazen, Abraham N	2,018 00	898 00	1,120 00
16335	Hazen, Isaac L. N. and Charles W	506 90	197 75	309 15
16333	Hazen, heirs of Levi H	4,158 00	2,056 94	2,101 06
10996	Henderson, Charles W	969 50	.....	969 50
1408	Henderson, Edward G	260 33	.....	260 33
9127	Hendricks, Aaron L	11,337 50	.....	11,337 50
10886	Hickman, estate of Peter	915 00	120 00	795 00
1006	Hicks, John T	3,901 00	.....	3,901 00
4561	Higgins, John	557 60	.....	557 60
2336	Hodges, James G	38,000 00	.....	38,000 00
20928	Holland, Charles W	1,669 16	149 04	1,520 12
5170	Holland, John R	345 00	.....	345 00
15812	Holtzman, Augustine and Mary L	1,139 12	434 00	705 12
9362	Homan, Mary S	702 75	.....	702 75
10098	Hope, William S	168 75	.....	168 75
14886	Hoppe, Theodore	1,120 00	.....	1,120 00
8359	Huff, Esom	275 00	.....	275 00
8339	Huffman, Elijah	872 00	.....	872 00
240	Hull, Samuel C	16,924 20	.....	16,924 20
19470	Hunter, James W	1,275 00	390 00	885 00
16876	Hurley, Julia	357 00	.....	357 00
15963	Indiana Methodist Church	500 00	.....	500 00
10150	Inge, Willis	1,856 00	.....	1,856 00
10322	Irwin, Joseph S	663 00	.....	663 00
13797	Jackson, Crofford	795 00	.....	795 00
11328	Jackson, J. Fenton	461 22	160 00	301 22
12526	Jackson, John	1,225 50	240 00	985 50
1183	Jackson, William	181 25	111 25	70 00
15499	James, Alfred	604 50	100 00	504 50
6648	Jenkins, James H	977 50	.....	977 50
18366	Jennings, John W	448 00	.....	448 00
1180	Jett, Thomas	514 50	.....	514 50
11588	Johns, Samuel	83 80	40 00	43 80
10151	Johnson, Albert	250 00	.....	250 00
14015	Johnson, Charles	689 00	292 50	396 50
11253	Johnson, Fannie, and James Edgar	6,395 00	550 00	5,845 00
17837	Johnson, John R	1,500 00	.....	1,500 00
17385	Johnson, Thomas	1,275 00	.....	1,275 00
8462	Johnson, Zachariah	125 00	125 00	.....
5980	Jones, Isaac	3,400 00	.....	3,400 00
1409	Jones, John W	871 00	.....	871 00
14826	Jordan, George W	207 75	130 25	77 50
16154	Jordan, Nathaniel	125 00	100 00	25 00
10689	Kalb, Samuel J	300 00	.....	300 00
11172	Kase, Elijah L	2,313 00	960 50	1,352 50
10174	Kase, Elijah L	2,613 00	.....	2,613 00
14827	Kaufman, estate of Jeremiah	90 50	66 50	24 00
9908	Kennan, James H	384 90	.....	384 90
17384	Kern, Nimrod	1,475 00	432 00	1,043 00
13798	Kincaid, James S	1,243 75	.....	1,243 75
13799	Kincaid, Samuel	818 75	.....	818 75
5293	King, Craven J	9,091 50	.....	9,091 50
636	Kirk, James B	18,702 80	8,556 80	10,146 00
11373	Knox, James	2,995 50	.....	2,995 50
9749 16336	Lamb, heirs of Thomas K	1,315 60	340 60	975 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	VIRGINIA—Continued.			
20922	Lambert, John	$743 00	$239 00	$504 00
1401	Lange, Francis	1,850 00		1,850 00
14978	Langston, James	485 25	233 25	252 00
14980	Langston, Thomas W	366 00	96 00	270 00
16467	Lawson, Robert, and Peyton Washington	385 50	233 00	152 50
8094	Ledgerwood, William J	371 00		371 00
13800	Lee, Arthur	245 00	160 00	85 00
14994	Lee, Jesse	202 00	100 00	102 00
3244	Lewis, Elizabeth F	200 00		200 00
9129	Lewis, Fleming E	632 50	250 00	382 50
9934	Lewis, James	1,288 80		1,288 80
11970	Lewis, John E	836 00		836 00
9763	Lewis, Joseph B	150 00		150 00
8933	Lindsay, Jacob H	1,360 00		1,360 00
10887	Locker, Jarrett	378 00	160 00	218 00
9784	Long, Jacob	928 00		928 00
1178	Long, estate of Jeremiah	516 00		516 00
9511	Love, Eli A	455 50	382 00	73 50
6329	Lown, Lorenzo M	462 50	158 50	304 00
7889	Lutholtz, Mary	622 00		622 00
13801	McClintock, Alexander H	732 50		732 50
15382	McGhee, estate of John A	250 00	100 00	150 00
1103	McKemy, William W	175 00		175 00
15254	McKenney, estate of Alexander G	6,870 00	1,745 00	5,125 00
4707	McKown, Matthew	200 00	130 00	70 00
10644	Maphis, Joseph	266 00		266 00
18287	Marcy, James and Lewis	5,280 50	1,047 00	4,233 50
12298	Marshall, John	1,826 00	684 00	1,142 00
1415	Masters, William J	333 00		333 00
7269	Maxwell, Thomas	1,412 00	497 00	915 00
12677	Meads, John	1300 00		300 00
11306	Middleton, Thomas J	200 00	115 00	85 00
14981	Miles, William P	355 00	220 00	135 00
10031	Miller, Fannie V., and Ann E Wilson	2,999 00	1,976 00	1,023 00
8932	Miller, John M	1,360 00		1,360 00
2518	Miller, Samuel	834 00		834 00
18335	Minor, Catharine Ann	9,665 00		9,665 00
75	Mitchell, Loudon	852 10	342 50	509 60
15709	Mitchell, Richard D	1,100 81		1,100 81
48	Montgomery, Morris	300 75		300 75
2923	Mooney, Robert M	1,393 00		1,393 00
9878	Moore, Mary C	14,650 00		14,650 00
10709	Morrison, Amos	1,088 00		1,088 00
17272	Nash Nathaniel	9,724 40		9,724 40
20927	Naylor, estate of Samuel	450 00	75 00	375 00
11046	Neer, George	933 85	305 25	628 60
19210	New, Joseph S	315 00		315 00
10345	Orindorf, Hezekiah	200 00	150 00	50 00
17163	Ott, William H	1,005 00		1,005 00
10197	Overton, Joseph	2,765 00	230 00	2,535 00
15854	Palmer, Christian	200 00		200 00
622	Pancoast, John F	80 00		80 00
12408	Parham, Alexander	168 00	94 00	74 00
9735	Parrett, Ransom W	703 00		703 00
6633	Patterson, Samuel	961 80		961 80
19205	Patterson, William H	658 50	228 00	430 50
4999	Paxton, William	674 00		674 00
17466	Pearce, Allen	7,572 75	1,595 00	5,977 75
7589	Pearman, John	610 00	207 00	403 00
7588	Pearman, Jones	1,068 90	234 20	834 70
8615	Pence, Lewis	889 00		889 00
11513	Piggott, Jesse	940 00		940 00
2720	Pinn, Howson	2,510 00	807 00	1,703 00
2159	Pintler, estate of Peter	2,019 62	441 00	1,578 62
9526	Poindexter, St. Clair	260 00	130 00	130 00
5702	Presgraves, Albert R	300 00		300 00
12049	Price, Jacob, sr	125 00		125 00
15893	Proctor, Samuel S	994 00	400 00	594 00
8703	Pulse, Henry	975 00		975 00
12418	Purcell, John	872 00		872 00
9566	Quisenbury, estate of William P	15,345 63	5,992 70	9,352 93
1786	Ransdell, Mary E	784 72		784 72
2521	Reidenour, Henry	321 00		321 00
14887	Remeley, C. F	418 33		418 33
9131	Richardson, William E	1,310 50		1,310 50
12490	Riely, Betty B	3,000 00		3,000 00
12412	Rinker, Josiah	804 00		804 00
15501	Rives, Samuel B	350 00		350 00
9980	Rix, John	262 00		262 00

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed.
	VIRGINIA—Continued.			
17763	Roberson, John	$212 00	$75 00	$137 00
18171	Roberson, John	442 00	215 00	227 00
11879	Robey, Charles	363 65	266 00	97 65
12417	Robinson, Alexander	125 00	100 00	25 00
14829	Robinson, Archie	220 50	165 50	55 00
14828	Robinson, Lorenzo D	482 50	305 00	177 50
18757	Roseberry, George W	116 00	80 00	36 00
6667	Rowland, Andrew L	8,723 75	1,643 00	6,880 75
1388	Roebush, Peter	245 00	.....	245 00
4519	Ruffin, Robert D	819 42	.....	819 42
9572	Rushmore, Thomas	15,190 00	6,840 00	8,350 00
10050	Russell, Joseph L	2,996 12	1,584 00	1,412 12
21733	Safford, Charles	950 00	190 00	760 00
9528	Sager, Abraham	312 50	.....	312 50
14982	Sampson, Thomas	542 00	381 00	161 00
14341	Samuel, Susan S	1,760 00	.....	1,760 00
5703	Sanford, George T	86 00	.....	86 00
1984	Saunders, Jourdan M	2,771 00	1,821 50	949 50
17084	Schenck, John and Peter	1,455 00	290 00	1,165 00
741	Schouler, John	5,290 00	1,450 00	3,840 00
1817	Schwartz, George	421 50	.....	421 50
14342	Scott, John	3,838 50	.....	3,838 50
14166	Scott, William	367 00	225 00	142 00
12898	Scranage, heirs of Richard	1,005 00	402 00	603 00
16426	Seaton, Martha J	727 50	.....	727 50
16640	Seay, Cornelia	1,744 50	.....	1,744 50
14375	Shackelford, Robert	8,843 00	.....	8,843 00
9529	Shank, Anna	893 75	.....	893 75
9781	Shank, Jacob, jr	333 00	.....	333 00
4657 17162	Shaver, Andrew	600 00	.....	600 00
9721	Shaver, John C	360 00	.....	360 00
9530	Showalter, Henry J	175 00	.....	175 00
2509	Shultz, John	150 00	.....	150 00
11481	Silcott, Norval	1,702 00	.....	1,702 00
18270	Simms, William H	331 50	112 50	219 00
17720	Slemaker, Ellen G	8,075 25	168 60	7,906 65
10326	Smith, estate of Hiram Jackson	1,932 00	1,126 00	806 00
10882	Smith, John F	1,382 76	.....	1,382 76
16337	Smith, John J	1,952 55	725 55	1,227 00
11051	Smith, Mary J	727 00	156 00	571 00
10775	Smith, Samuel	240 00	96 00	144 00
18659	Smith, Samuel	695 90	110 00	585 90
11534	Smith, Sarah E	467 00	.....	467 00
18407	Smith, Thomas M., J. C. Wilson, and William R. Snow	11,433 94	3 322 00	8,111 94
8200	Smoats, Henry	348 33	.....	348 33
10642	Smoats, Reuben	165 00	.....	165 00
11008	Snyder, Alex. W	2,125 00	950 00	1,175 00
20463	Snyder, Emanuel	5,130 00	.....	5,130 00
11488	Snyder, John	1,870 50	.....	1,870 50
11166	Sommers, Abraham H., Adeline V., and Ann E	7,297 50	1,238 00	6,059 50
8863	Sonner, Samuel H	2,961 68	.....	2,961 68
14343	Spicer, Happy A	300 00	150 00	150 00
12040	Spiggle, Rebecca	240 00	.....	240 00
2823	Spiker, Ezra	125 00	.....	125 00
2259	Stephens, Briant	1,040 85	.....	1,040 85
12937	Stewart, William K	1,098 70	550 00	548 70
3226	Summers, Eliza A., *et al*	1,780 95	423 32	1,357 63
3259	Summers, George	1,100 00	.....	1,100 00
9915	Taylor, Belford	1,645 00	300 00	1,345 00
11319	Taylor, George W	914 00	100 00	814 00
14376	Taylor, William B	250 00	200 00	50 00
17819	Taylor, William H	8,375 38	.....	8,375 38
17829	Terry, John W	1,705 00	1,010 00	695 00
9740	Thomas, Adam	150 00	.....	150 00
17446	Thompson, Willis	4,100 00	.....	4,100 00
3245	Thrift, Richard T	430 00	.....	430 00
16137	Timberlake, John H	4,968 50	.....	4,968 60
19390	Travers, estate of John W	892 00	295 00	597 00
18484	Tucker, James W	3,961 54	1,090 00	2,871 54
11979	Tucker, estate of Samuel	3,060 00	1,200 00	1,860 00
13806	Tyree, John	482 50	.....	482 50
14344	Vaughn, Walker	967 50	.....	967 50
10438	Virtz, estate of Peter	2,305 50	.....	2,305 50
21384	Vorce Nelson	2,966 50	308 00	2,658 50
13808	Wade, Henry S	1,615 00	.....	1,615 00
4734	Wakeman, Jonas W	783 60	.....	783 60
14377	Wallace, Stephen	470 00	160 00	310 00
2536	Wampler, Samuel	55 25	.....	55 25

Schedule of claims reported—Continued.

No.	Name.	Amount claimed.	Amount allowed.	Amount disallowed
	VIRGINIA—Continued.			
1272	Ware, Charles A	$4,387 50	$1,800 00	$2,587
13849	Washburn, Cyrus	2,945 00	1,100 00	1,845
11516	Weaden, William H	435 00		435
5862	Weaver, Jacob	110 00		110
14367	Weaver, estate of Samuel	12,304 61		12,304
16044	Webb, Albert	300 00		300
10153	Wells, John L	175 00		175
843	Welsh, David	478 75	225 00	253
14544	Welshans, Henry C	300 00		300
16613	Whaley, Gibson R	4,138 25		4,138
14677	Whedon, Ansel	2,635 00	750 00	1,885
10631	White, John	306 00		306
640	White, Joseph	2,652 25		2,652
15470	White, estate of William L	635 00		635
15210	Wilder, Thomas	459 70	100 00	359
2796	Wilkinson, William	9,352 41	2,174 00	7,178
11572	Williams, Sanford	230 00	80 00	150
5904	Williamson, George, jr	225 00	175 00	50
4729	Windle, Benjamin	926 70		926
8199	Wine, Jacob	279 75		279
2539	Wine, John	115 00		115
16507	Wine, Michael, jr	1,173 50		1,173
11012 11331	Wood, Robert B	1,025 50	540 00	485
14345	Wood, Wesley	656 00	433 00	223
14830	Wood, William	1,992 00		1,992
20938	York, Levi	470 00	394 00	76
64 953	Young, Amos	1,948 10	577 10	1,371
12705	Young, estate of John M	16,409 00	3,198 50	13,210
14546	Zepp, Henry	1,894 00		1,894
	WEST VIRGINIA.			
13291	Brown, Thomas	560 00		560
13207	Burns, Isaac V	657 50		657
14428	Cockrell, John G	224 00		224
17281	Eagle, Julia A	340 60	221 80	118
13287	Engle, Edwin C	300 00		300
11320	Frye, Henry W	670 50	436 00	234
15319	Gordon, Philip	1,230 00		1,230
16833	Graham, Isaac	140 00	140 00	
11321	Kotz, Francis	279 50		279
10707	Landaker, Jesse	1,782 00	1,327 00	455
8464	Malcolm, James	172 00		172
8463	Malcolm, Robert	150 00		150
12191	Mock, George W	200 00	200 00	
13209	Myers, James W	1,665 00		1,665
13531	Ramey, William C	2,576 00		2,576
13210	Show, George	1,025 00		1,025
12354	Ware, John W	1,433 75	1,040 00	393
16835	Wise, Zebulon	143 00	78 00	65
11325	Woodward, Thomas E	948 75	440 00	508

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 24.

C. Y. THOMAS vs. A. M. DAVIS.

PAPERS

IN THE CASE OF

THOMAS vs. DAVIS,

FIFTH DISTRICT OF VIRGINIA.

EVIDENCE OF CONTESTANT.

No. 1.—*Notice of contest.*

MARTINSVILLE, HENRY COUNTY, VIRGINIA,
December 5, 1872.

To Col. A. M. DAVIS, *Grayson Court-House, Virginia.*

You are hereby notified that I shall contest your right to a seat in the next Forty-third Congress of the United States, as the member for the fifth congressional district of the State of Virginia, upon the following grounds:

1st. Because, at the election held for a member to Congress for the said district, on the 5th day of November, 1872, you did not receive a majority or plurality of the votes cast at said election; and that you were not elected according to the constitution and laws of the State of Virginia.

2d. Because at said election I received a majority of all the votes cast, and am duly elected to the next Congress of the United States from the said district.

3rd. In support of the foregoing grounds I shall maintain before the House of Representatives of the said Congress that, at said election held for the purpose and on the day aforesaid in the said district, composed of the counties of Halifax, Pittsylvania, Henry, Franklin, Patrick, Floyd, Carroll, and Grayson, and the town of Danville, the number of votes placed opposite the said counties and town was cast for you and myself respectively, viz:

	A. M. Davis.	C. Y. Thomas.
Halifax County	1,938	2,825
Pittsylvania County	2,298	2,596
Henry County	904	952
Franklin County	1,118	1,008
Patrick County	585	570
Floyd County	429	540
Carroll County	735	335
Grayson County	910	164
Danville	416	465
	9,333	9,455

That at the voting place in the county of Halifax, duly established by law, and designated "Black Walnut," there were cast for myself at said election 368 legal votes, and for you 158 votes; all of which, both for you and myself, the county canvassers of Halifax, on ascertaining the result of the election in their county, rejected and refused to count, because the clerks who recorded the votes thereat "did not sign their certificates of return."

And that at another legal voting place in the said county of Halifax, designated "Republican Grove," I received 127 legal votes; 112 of which last-mentioned votes were rejected by the said county canvassers, who refused to count them in my favor because the "tickets for county officers were folded in the congressional ballots deposited in the ballot-box for myself." By reason of the rejection of which votes, cast at the places aforesaid, the canvassers reported to the board of State canvassers that I received in the county of Halifax only 2,345 votes, when, in truth and in fact, I received 2,825 votes of the qualified electors of said county, cast in pursuance of law.

Upon the foregoing grounds I shall ask the House of Representatives of the next Congress of the United States to set aside the return given you by the board of State canvassers, as member-elect to said Congress for the fifth district of Virginia, and to award to me the seat.

Most respectfully yours,

C. Y. THOMAS.

I acknowledge legal service of the within notice this 21st December, 1872.

A. M. DAVIS.

No. 2.—*Answer.*

INDEPENDENCE,
Grayson County, Va., January 6, 1873.

Mr. C. Y. Thomas, Martinsville, Henry County, Virginia:

In reply and answer to your notice of contest, dated December 5, 1872, stating that you would contest my right to a seat in the next (Forty-third) Congress of the United States, as member for the fifth congressional district of the State of Virginia—

For answer to "ground" 1 or specification 1 of your notice, I deny the truth of said ground or specification. On the contrary, I was duly elected according to law.

For answer to "ground" 2 or specification 2 of said notice, I deny the truth of said second specification or ground, and aver that you were not duly elected to the next Congress of the United States for said district.

For answer to "ground" 3 or specification 3 of said notice, I deny the truth of the same, and aver that at said election you did not receive the number of votes claimed by you in the counties named in your third "ground," as set forth in your statement and list of counties and votes, according to law; that in the county of Halifax you did not receive 2,825 votes, as claimed by you; that at "Black Walnut" precinct in said county of Halifax you did not receive 368 votes, and that the "county canvassers" of Halifax did not reject and refuse to count 368 legal votes cast for you, and for the reasons assigned by you: That at "Republican Grove" precinct, in said county of Halifax you did not receive 127 "legal votes," and the said "county canvassers" of Halifax did not reject and

refuse to count 112 legal votes for you at the said "Republican Grove" precinct. And I further aver, that even if the facts were as you have stated them in your third ground and specification, it would afford no sufficient ground of contest, and no reason why you should be declared the member-elect from said fifth congressional district of the State of Virginia; and that you are not legally entitled to a seat in Congress by reason of any matters and things stated in your notice.

And I further claim to be the duly elected member from the fifth congressional district of Virginia, and that I am entitled to my seat in the next (Forty-third) Congress of the United States upon the following grounds, viz:

1st. Because at various precincts in the counties composing the said fifth congressional district of the State of Virginia large numbers of illegal and fraudulent votes were cast for you, and were counted for you by the judges conducting the elections at the said several precincts, and by the county and State canvassers, and constitute a part of the vote claimed by you in your notice of contest, and a part of the entire vote counted and declared for for by the board of State canvassers.

That said illegal votes were cast at the following precincts, viz: Independence, Elk Creek, White Top, and Wilson's Store, in Grayson County, Virginia; at the Court-House, Landreth's, and Polly Quesenberry's, in Carroll County; at Patrick Court-House; at Pittsylvania Court-House; at the precincts in Danville; at the Court-House, Black Walnut, Republican Grove, and at other precincts in Halifax County, and at other precincts in the several counties of the district. That the said votes were illegal in this: that some of the said votes were cast by persons under twenty-one years of age, others had not resided in the county and State for the time required by law, others were disqualified by reason of their failure to register within the time required by law, and in many instances votes were rendered illegal by reason of bribery.

A list of said illegal and fraudulent votes, and precincts at which they were cast for you, will be furnished if required.

Upon these grounds I shall resist your claim and rest my claim to the seat.

Yours, very respectfully,

ALEX. M. DAVIS.

In pencil: Answer handed me (at night, eight o'clock p. m.,) on 18th of January, 1873.

No. 3.—*Notice to take depositions.*

MARTINSVILLE,
Henry County, Va., March 3, 1873.

DEAR SIR: On the 18th and 19th days of March, 1873, in the clerk's office of the county court of Halifax County, Virginia, before B. G. Terry, United States commissioner, or two justices of the peace for said county, I shall proceed to take the depositions of J. W. Craddock, Thos. J. Howerton, J. B. Traignham, Saml. H. Brooks, H. C. Cousins, F. F. Thornton, John M. Wood, Lafayette Jennings, Jno. A. Green, G. H. C. Phillips, John W. Boyd, Wm. H. Breedlove, and Jas. D. Clay; all of whom reside in the said county of Halifax.

Should said depositions be not taken on the days above mentioned, the taking of the same will be continued from day to day, at the place aforesaid, till completed.

The depositions aforesaid are to be read as evidence in my behalf in the case of contested election of myself against you as the returned member to a seat in the Forty-third Congress of the United States, for the fifth congressional district of the State of Virginia.

Very respectfully, your obedient servant,

C. Y. THOMAS.

Col. A. M. DAVIS,
Independence, Virginia.

Martin Fulton, deputy sheriff of Grayson, has this day delivered me a correct copy of the within, in due form of law. March 8, 1873.

A. M. DAVIS.

No. 4.—*Depositions of James D. Clay and G. R. C. Phillips.*

STATE OF VIRGINIA,
Halifax County, sct:

The depositions of James D. Clay and G. R. C. Phillips, taken pursuant to the notice (of C. Y. Thomas to A. M. Davis) hereto annexed, before me, a United States commissioner for the District of Virginia, in the clerk's office of the county court of Halifax County, in the State of Virginia, on the 18th and 19th days of March, 1873; to be read as evidence before the House of Representatives of the United States in the contested-election case of C. Y. Thomas against Alexander M. Davis, for a seat in the Forty-third Congress of the United States from the fifth congressional district of the State of Virginia:

Present, C. Y. Thomas, the contestant, and Dabney Cosby, jr., as the attorney of A. M. Davis, the returned member.

The deponent, JAMES D. CLAY, being first duly sworn on the holy evangelists, deposes as follows:

Question by the contestant, (C. Y. Thomas.) Please state where you reside, and what office if any, you hold.

Answer. I reside at Halifax Court-house, Virginia, and hold the office of clerk county court of Halifax, and have held said office for the last three years.

Question by same. Were the poll-books of the congressional election held in said county on the 5th of November, 1872, deposited in your office, or not? If so, state when and by whom.

Answer. The poll-books referred to above were deposited in my office on the second day after the election, by the judges of election for this county, appointed by the court.

Question by the State. Are "Black Walnut" and "Republican Grove" two of the voting-places duly established by law in the county of Halifax, or not?

Answer. They are.

Question by same. Please examine the poll-books kept at said election on the 5th of November, 1872, and now on file in your office, and state the number of votes cast in said election, and for whom they were given; and insert in your answer so much of the certificate appended to the poll-book as may refer thereto. I refer to the Black Walnut voting-place.

Answer. The poll-book referred to above, held at Black Walnut, was deposited in my office, and the following is an extract:

We certify that three hundred and sixty eight (368) qualified electors voted for C. Y. Thomas for Congress for the fifth district of Virginia; that one hundred and fifty-eight (158) qualified electors voted for A. M. Davis for Congress for the fifth district of Virginia.

J. W. CRADDOCK,
THOS. J. HOWERTON,
JNO. B. TRAYNHAM,
Judges.

S. H. BROOKS, *Clerk.*

Question by same. Were the said Craddock, Howerton, and Fraynham, whose names are signed to said certificate, the persons appointed by law to superintend the election at Black Walnut on 5th of November, 1872?

Answer. They were appointed by the judge of county court of Halifax, of which I am clerk, as appears of record.

Question by defendant. Why were the polls at Black Walnut precinct rejected by the county commissioners?

Answer. The poll-book at Black Walnut was rejected by the county commissioners for counting the votes, because the book was not signed by but one clerk.

Question by the contestant, (C. Y. Thomas.) Please examine the poll-book for the Black Walnut, taken at said election, and insert the caption thereto.

Answer. I have examined the poll-book, and find the following is a copy of the caption of said book, viz:

Poll-book of the election held at Black Walnut, in the township of Black Walnut, in the county of Halifax, in the State of Virginia, the 5th day of November, in the year of our Lord one thousand eight hundred and seventy-two. J. W. Craddock, T. J. Howerton, J. B. Traynham, judges, and S. H. Brooks, clerk, of said election, were respectively sworn (or affirmed) as the law directs, previous to their entering on the duties of their respective offices. Number and names of electors.

Question by same. You have stated that the poll-books containing the list of electors who voted in said election were on file in your office. You will now state the number of electors who voted in said election at Republican Grove voting-place, as shown by the votes recorded at that place.

Answer. I have examined the poll-book referred to above, and find the number of electors that voted at Republican Grove to be two hundred and ninety-eight (298) as appears from said book.

Question by same. Please examine the certificates at the foot of the poll-book of the Republican Grove voting-place in said county, and copy in full the first certificate, and so much of the second certificate as refers to the result of the congressional election at said place.

Answer. I have the poll-book above referred to, and the following is a copy of the first certificate above referred to:

We, the undersigned, judges and clerks of the precinct election held at Republican Grove on Tuesday, the 5th day of November, 1872, Halifax County, Virginia, for electors of President and Vice-President of the United States and for a member of Congress in the fifth congressional district, commonwealth attorney, and superintendent of the poor for the county of Halifax, do hereby certify that one hundred and twelve ballots were rejected on account of, when being examined, were found to contain two different tickets.

Given under our hands this 5th day of November, 1872.

H. C. COUSINS,
F. F. THOMLON,
JNO. M. WORD,
Judges.

L. JENNINGS,
JOHN A. GREEN,
Clerks.

Extract from the second certificate referred to:

For Congress: A. M. Davis received one hundred and seventy (170) votes, and C. Y. Thomas received fifteen (15) votes.

Given under our hands this 5th day of November, 1872.

H. C. COUSINS,
F. F. THOMTON,
JOHN M. WORD,
Judges.

L. JENNINGS,
JOHN A. GREEN,
Clerks.

Question by counsel for A. M. Davis. You have stated that the poll-books containing the list of electors who voted in the election for members of Congress on the 5th day of November, 1872, were on file in your office. Please state if Brandon's Precinct is a legal voting-place in the county of Halifax; and if so, if the poll-book for the said election was returned to your office.

Answer. Brandon's Precinct is a legally-constituted voting-place in the county of Halifax and the poll-book was returned to my office, (above referred to;) the poll-book was returned to my office the second day after the election.

Question. Please examine the said poll-book for Brandon's voting place, on file in your office, and state the number of electors who voted at said election at Brandon's voting-place, as shown by the votes recorded at that place.

Answer. I have the poll-book now before me above referred to, and find on examining said book for Brandon's that there were one hundred and nine (109) electors voted.

Question. Please examine the certificates at the foot of the poll-book of the Brandon's voting-place in said county, and copy in full those portions of both certificates as relate to the result of the congressional election at said place.

Answer. I have examined the certificates above referred to, and the following is an extract of the certificates:

For Congress: A. M. Davis received fifty-one votes for Congress. C. Y. Thomas received fifty-eight (58) votes for Congress.

WILLIAM EDWARDS,
SMITH BRANDON,
H. C. MOSELY,
Judges.

WM. T. LIPSCOMB,
SAM'L S. BRANDON,
Clerks.

Question. Please examine the poll-book alluded to in the previous question, and state whether or not in the certificates of the judges, or elsewhere, there appears to have been any rejected votes.

Answer. I have examined the poll-book above referred to, and find that none were rejected.

And further this deponent sayeth not.

JAMES D. CLAY.

The deponent G. R. C. PHILLIPS, being first duly sworn on the Holy Evangelist, deposes as follows:

Question by the contestant, C. Y. Thomas. Please state where you reside and what official position, if any, you held under the election laws of Virginia, at the congressional election held in the said county of Halifax, on the 5th of November, 1872?

Answer. I reside at Halifax Court-House, Va.; and held the positions, viz: judge of election and member of the board of county canvassers.

Question by same. Who were the other members of the said board?

Answer. Messrs. John W. Boyd and W. W. Breedlove were present and with myself constituted the board; two other members were absent.

Question by same. In canvassing the votes cast in the said congressional election to ascertain the result in the said county, did the board of canvassers reject and refuse to take into their estimate any votes polled at the said election? If so please state the number rejected, where they were polled, for whom they were given, and the reasons for their rejection.

Answer. The board did not reject or refuse to take into their estimate any poll or polls, of any candidate coming before it, authenticated as required by the election laws of Virginia; there were, however certain papers before said board, purporting to be the poll-books and election returns, and not being properly verified the board did not take them into its estimate. A list of names, numbered, with certificates signed by three signatures as judges and one signature as clerk, was presented from Black Walnut precinct. This was rejected for the reason that the act of assembly, in the matter of making returns to poll-books, was not complied with. The referred-to paper stated that 368 qualified electors voted for C. Y. Thomas for Congress, and that 158 qualified electors voted for A. M. Davis for Congress.

Question by same. Were the papers purporting to be the poll-books of the Black Walnut congressional election, and certificates thereto, proper and in due form in all respects, except that the certificates were signed or attested by only one of the clerks?

Answer. I believe they were.

Question by same. Leaving out the votes cast at Black Walnut, and taking into the estimate all the returns made to your board throughout the county, what was the result of the said election in Halifax County?

Answer. For A. M. Davis were cast seventeen hundred and eighty votes, and for C. Y. Thomas were cast twenty-three hundred and forty-five votes.

Question by counsel for A. M. Davis. State whether you were the register of voters for Banister Township, Halifax County, Virginia, previous to the election held on the 5th day of November, 1872, for member of Congress for the fifth congressional district of Virginia?

Answer. I was.

Question by same. State whether you registered any voters within the next ten days preceding the said election; and if so, how many?

Answer. Some voters were registered during the time. I think about twenty-nine.

Question by same. State whether said persons voted at said election, and whether their votes were counted?

Answer. A number did vote at said election—how many of the number I cannot say. Such votes were counted.

Question by same. Please examine the poll-book for Banister Township and state what was the result of the vote for member of Congress. Copy so much of the certificate as relates thereto.

Answer. "We hereby certify that * * * A. M. Davis had two hundred and fifty-five votes for Congress, and that C. Y. Thomas had four hundred and four votes for Congress. G. R. C. Phillips, John H. Elam, George C. Holt, judges; James E. Grubbs, H. W. Cosby, clerks."

Question by same. Were the returns of said election from Banister

Township included in the abstract of votes cast in Halifax County for member of Congress at said election?

Answer. They were.

Question by same. Were any votes cast at said election in Banister Township rejected; and if so, how many, and for what cause?

Answer none.

And further this deponent saith not.

G. R. C. PHILLIPS.

STATE OF VIRGINIA:

The foregoing depositions of James D. Clay and George R. C. Phillips were taken, sworn to, and subscribed before me, United States commissioner for said State, at the time and place named in the caption.

Given under my hand this 18th day of March, 1873.

B. G. TERRY,
United States Commissioner.

No. 5.—*Depositions of H. C. Cousins, John A. Green, and F. F. Thornton.*

The depositions of H. C. Cousins, Jno. A. Green, and F. F. Thornton, taken before me, a United States commissioner for the district of Virginia, on the 19th of March, 1873, at the place and for the purposes named in the caption on 1st page of these depositions:

The deponent H. C. Cousins, being first duly sworn by me on the Holy Evangelists, deposes as follows:

Question by the contestant, C. Y. Thomas. Please state where you reside, and what office, if any, you held under the election laws of Virginia in November, 1872.

Answer. I reside at Republican Grove, in the County of Halifax, Virginia. I was registrar at that voting place, and one of the judges of election held for members of Congress, on the 5th day of November, 1872.

Question by same. What disposition was made of the poll-books, taken at the said election?

Answer. I delivered one of them to the county court clerk of said county.

Question by the same. Examine the poll-book now on file in said clerk's office, and say whether it is one of the poll-books kept at said election at Republican Grove in said county?

Answer. I have examined the book referred to and find it is the book returned by me as aforesaid.

Question by same. What number of electors voted in said election, as shown by the said poll-book?

Answer. Two hundred and ninety-eight votes were polled on that day, at the said place.

Question by same. You have stated your were register at Republican Grove voting place. You will now state whether the two hundred and ninety-eight (298) electors who voted at said election, on the 5th of November, 1872, were duly registered and authorized to vote on that occasion.

Answer. They were, and I think authorized to vote in accordance with the laws of Virginia.

Question by the same. In canvassing the votes polled at said election.

at the close of the polls, were any of the said two hundred and ninety-eight votes rejected and not taken into the estimate made by the judges of said election; if so, state the number?

Answer. They did, in making up the estimate of ballots deposited in the box at said election, reject one hundred and twelve of said ballots.

Question by the same. How did the Congressional vote stand at said voting-place, after rejecting the one hundred and twelve ballots?

Answer. It appears from the certificate appended to the said poll-book that A. M. Davis received one hundred and seventy votes, and C. Y. Thomas received fifteen votes.

Question by the same. You have stated that the judges reject and excluded from their estimates one hundred and twelve of the ballots deposited at said election; you will please state upon what grounds they were rejected?

Answer. Upon examination of the ballots made at the close of the polls we found inclosed in the regular congressional and presidential ticket a small slip of paper with the name of one of the county officers written thereon who was voted for at said election, and for the above reasons the one hundred and twelve votes were excluded in making up the estimate.

Question by the same. What disposition was made of the ballots deposited at said election, including those rejected by the judges?

Answer. They were sealed up and deposited with the clerk of the county court of said county.

Question by the same. The package of tickets rejected as before stated by you, being now produced and opened before you by the clerk of said court, you will please examine the said rejected ballots and state what number of these contain the name of C. Y. Thomas, as the congressional candidate voted for at the said election?

Answer. I have examined and counted the ballots rejected, as before stated, and find that they are one hundred and twelve ballots in number, and that the name of C. Y. Thomas was found upon each one of said ballots as the candidate voted for for Congress, and that one of the tickets contained a small slip of paper upon which was printed the name of C. Y. Thomas, and the name of R. W. Weatherfrod was written on the same slip. In one hundred and eleven of these ballots there was a small slip of paper with the name of a candidate for county offices, and only one of the before mentioned, one hundred and twelve ballots the name of C. Y. Thomas appeared upon the regular ticket and also upon a slip of paper inclosed in said ticket.

And further this deponent says not.

H. C. COUSIN.

The deponent, JOHN A. GREEN, being first duly sworn on the Holy Evangelist, deposes and says:

Question by C. Y. Thomas, the contestant. Please state where you reside, and what position you held under the election laws of Virginia, on the 5th of November, 1872?

Answer. I reside near Republican Grove, in the county of Halifax, Virginia, and was one of the clerks on the day of election, on the 5th day of November, 1872, held at said voting place.

Question by same. Please examine the poll book kept at Republican Grove, at said election, and state whether it is the one kept by you.

Answer. I have examined the said book and find it is the identical book kept by me on the day of election referred to.

Question by same. What number of votes were cast at said election and recorded by you?

Answer. There were cast and recorded by me in said book 298 votes.

And further this deponent says not.

JOHN A. GREEN.

The deponent F. F. THORNTON, being first duly sworn on the Holy Evangelist, deposes as follows:

Question by the contestant, C. Y. Thomas. Please state where you reside, and what office you held under the election laws of Virginia, on the 6th of November, 1872.

Answer. I reside in the county of Halifax, Virginia, near Republican Grove, and was one of the judges of election at Republican Grove, on the 5th of November, 1872.

Question by same. You have heard the deposition of H. C. Cousins read, which has been taken in this case; you will please state whether you concur with him in his evidence as to number of votes polled at said election, at Republican Grove; the number rejected by the judges of election, as the reason for their rejection?

Answer. I do concur with said Cousins in his whole affidavit, as regards the number of votes polled at said place, and the number rejected, and the cause therefore.

And further this deponent says not.

F. F. THORNTON.

The foregoing depositions of H. C. Cousins, John A. Green and F. F. Thornton, were taken on the 19th March, 1873, and subscribed and sworn to before me, at the place and for the purposes named in the caption on page 1, as United States commissioner for the District of Virginia.

Given under my hand this 19th March, 1873.

B. G. TERRY,
United States Commissioner.

No. 6.—*Deposition of William Edwards.*

The deposition of William Edwards, taken before B. G. Terry, United States Commissioner for the State of Virginia, on the 18th day of March, 1873, in the clerk's office of the county court of Halifax County, at Halifax Court-house, Virginia, pursuant to the annexed notice, to be read as evidence on behalf of A. M. Davis, in the case of contested election between C. Y. Thomas and the said A. M. Davis to a seat in the Forty-third Congress of the United States for the fifth congressional district of Virginia.

Present, C. Y. Thomas, and Dabney Cosby, counsel for A. M. Davis.

The deponent being first duly sworn, deposeth and saith as follows:

Question. Please state where you reside.

Answer. I reside in Halifax County, on the south of Dan River, in Mount Carmel Township.

Question. State whether you attended the election held on the 5th day of November, 1872, for member of Congress from the fifth congressional district of Virginia; and, if so, at what place.

Answer. I did attend the election on the 5th November, 1872, for member of Congress, at Brandon's voting place.

Question. State where is Brandon's voting place?

Answer. It is in the extreme upper end of Mount Carmel Township, in the county of Halifax.

Answer. Please state whether you attended said election at said voting place merely as a voter, or also held some official position.

Answer. I attended as registrar and judge of election.

Question. Were any persons registered at said voting-place on the said day of election?

Answer. There were.

Question. How many persons were registered by you on said occasion?

Answer. If my memory serves me right there were thirty-five.

Question. Do you know whether the persons so registered voted at the election held that day?

Answer. I think they did, with the exception of one.

And further this deponent sayeth not.

WILLIAM EDWARDS.

The foregoing deposition was taken, subscribed, and sworn to before me this 18th day of March, 1873.

B. G. TERRY,
United States Commissioner.

No. 7.—*Notice to take depositions.*

INDEPENDENCE, GRAYSON, VIRGINIA,
February 20, 1873.

SIR: You will take notice that on the 18th and 19th of March, 1873, in the clerk's office of the county court of Halifax County, Virginia, in said county of Halifax, before a United States commissioner, I shall proceed to take the depositions of sundry witnesses, to be read as evidence in my behalf before the House of Representatives of the United States, in the case of contested election between you and myself for a seat in the Forty-third Congress of the United States, as member from the fifth congressional district of the State of Virginia. If from any cause the taking of said depositions be not completed on the days specified the taking of the same will be adjourned and continued from day to day at the same place till completed.

Respectfully yours, &c.,

A. M. DAVIS.

Mr. C. Y. THOMAS,
Martinsville, Henry County, Virginia.

To-day a true copy of the within notice was delivered to me by Mr. Z. Cox, this 8th March, 1873.

C. Y. THOMAS.

No. 8.—EXHIBIT A.—*Abstract of votes.*

COMMONWEALTH OF VIRGINIA:

Statement of the whole number of votes cast in the counties and corporations forming the fifth congressional district of Virginia, in an election for a Representative in the Congress of the United States, held pursuant to law the first Tuesday after the first Monday in November, A. D. 1872.

Counties.	C. Y. Thomas.	A. M. Davis.	G. C. Cabell.
Halifax	2,345	1,780	.....
Pittsylvania	2,596	2,298	.....
Henry	952	904	.....
Franklin	1,008	1,118	.....
Patrick	570	585	.....
Floyd	540	429	.....
Carroll	335	735	.....
Grayson	164	910	.....
Danville	465	416	.....
	8,975	9,175	

I certify that the foregoing is a correct statement, taken from the original returns on file in my office.

JA'S McDONALD,
Secretary of the Commonwealth.

RICHMOND, *March* 21, 1873.

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43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 25.

CIVIL-RIGHTS BILL.

RESOLUTIONS

OF

THE LEGISLATURE OF SOUTH CAROLINA,

PASSED

December 5, 1873, *requesting the Representatives and instructing the Senators from that State to vote for the civil-rights bill.*

DECEMBER 15, 1873.—Referred to the Committee on the Judiciary and ordered to be printed.

Whereas the recent introduction of the civil-rights bill again in the Senate of the United States by the Hon. Charles Sumner, Senator from Massachusetts, shows that he is determined to crown a series of inestimable services to the cause of freedom and equal rights in America by removing the last vestige of the late barbarism, and placing the capstone of equal civil rights on the dome of the reconstructed Union; and whereas the State of South Carolina, ever mindful of the rights of all her citizens, and watchful for their privileges, has placed on her statute-book a bill to protect them in their civil rights within her domain, but is aware of its inadequacy to protect them when outside her limits; and whereas, both by a common line of policy and by the solemn pledges of the Philadelphia Convention, by the noble words of the President's last inaugural and his recent message, and by the sentiments of our dominant party, the National and State republicans, and the honored Chief Magistrate, have placed themselves on record as favoring the passage of such a bill; and

Whereas a large portion of the loyal citizens of this State, and of the nation, irrespective of their intelligence, wealth, or position, whether they are private citizens or public officials, are discriminated against in public travel and in places of general entertainments, to the degradation of their manhood and the violation of their rights as human beings; therefore

Be it resolved by the house of representatives, (the senate concurring,) That we instruct our Senators and request our Representatives in Congress assembled to sustain by their influence and by their votes the bill introduced by Senator Sumner to attain the equality of civil rights before the law; and

Be it further resolved, That we sympathize with the movement on the part of the large class of citizens whose rights are thus willfully and persistently

outraged, to unite in a convention on the 9th day of December, 1873, to memorialize Congress on the subject; and, in view of the near approach of the meeting aforesaid, we, representing the people of the State of South Carolina, authorize those of our Representatives who may be identified with the class whose rights are thus daily violated, to attend the said convention and represent our State.

Resolved, That copies of these resolutions be engrossed and forwarded to His Excellency the President of the United States, the Hon. Charles Sumner, and to our Representatives in Congress, and to the president of the equal rights convention.

Adopted by the house of representatives December 4, 1873.

Concurred in by the senate December 5, 1873.

R. H. GLEANES,
President of the Senate.
SAM'L J. LEE,
Speaker of the House of Representatives.

Attest:

J. WOODRUFF,
Clerk of Senate.
ALBERT O. JONES,
Clerk of House of Representatives.

O

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC No. 26.

VERMONT CENTENNIAL COMMISSIONERS.

MEMORIAL

OF

DR. MIDDLETON GOLDSMITH AND HENRY CHASE,

CENTENNIAL COMMISSIONERS FOR VERMONT.

DECEMBER 15, 1873.—Referred to the Select Committee on the Centennial Celebration and ordered to be printed.

RUTLAND, VT., *November*, 1873.

The undersigned, representing the State of Vermont in the United States Centennial Commission, desire to bring to your notice the needs of the Commission in carrying out the purposes of Congress and the very generally expressed wishes of the agricultural, mining, and manufacturing interests of this State.

The act of Congress creating the United States Centennial Commission defines its object to be to celebrate the centennial anniversary of the nation's birth by appropriate memorial ceremonies and by an illustrative exhibition of the natural resources of the country and its progress in those arts which benefit mankind, in competition with other nations.

It will be perceived from this that it is our duty not only to prepare for an international exhibition, in the common acceptation of the phrase, but also for a memorial exhibition illustrating the progress of our nation during the first century of its life in all those arts which benefit mankind. The scheme thus embraces two objects—the teachings of the past and the illustration of our present, comparably with the present of all other nations; the plain uses of both being an illustrated review of our nation's history with what it teaches, and a comparison of ourselves with other nations and what that teaches; and these in the presence of the world. We are to uncover to all mankind our national history and life, and to challenge the world to competitive exhibition. To this ordeal the nation stands solemnly pledged by the universal outcry of the press, by the action of numberless associations, by the studied act of Congress, and by the proclamation of the President of the United States.

It therefore concerns the honor of this commonwealth that the centennial exhibition shall be carried out in such a way as befits the nation's pride, honor, and greatness. For the exhibition to fail would be to wound the nation's pride, to disappoint our just expectations, and expose us to the derision of the older nations; and this our people cannot well afford.

The centennial commissioners find that in order to make the exhibi-

tion worthy of the occasion and serve the purposes of the act of Congress, a very large expenditure will be necessary, and we have therefore to invoke your aid and influence in procuring the necessary appropriations.

In order that it may be apparent that this invocation is not for mere holiday purposes, we desire to state the economic uses of the Exposition. In this direction the commission has kept two purposes in view, namely, to instruct our people, to make one class better acquainted with the occupations and resources of the other, to show our people what other nations are doing, and to make known to other nations our natural resources, our arts, science, manufactures, and raw material, and all of this by that most efficient of all modes of teaching—illustration—illustration of product and process as well.

It is obvious that when the visitor to such an exhibition can see grouped together the best illustrations of his own art, gathered from every center of civilization, he will be able to educate himself in his art as well as if he had visited various foreign countries in search of that education; and better, for here he sees, grouped for close comparison, that which could otherwise by travel only be seen at intervals of space and time. Inasmuch as this opportunity applies to every art, it is obvious that neither the teaching capacity of the Exposition nor its money value to our artisans, if we consider the travel which it supplants, can be overestimated.

It is equally apparent that the exhibition will serve as an introduction to the markets of the world of all of our raw materials and manufactured products, which by their nature are needed in and are worthy of the markets of the world. If we excel all other nations in our shoes, and in the machinery which makes them, it follows that other nations must learn to buy our shoes or the machines we make them with.

To Vermont this opportunity is especially valuable. The sheep-growers of this State have confessedly the best sheep for wool production of any people. The wool-growing nations will come to our Exposition, by their representative men, to see this Vermont product, and little doubt can exist that, when our sheep are fitly and fully exhibited, our State will come to be as distinctly the emporium for fine-wooled sheep as ever in earlier times was Spain, Saxony, or Silesia. For Vermont to grow the stock-sheep for other countries is of itself enough to fill the measure of that industry's commercial prosperity.

As she is in sheep, so she is measurably in marble, in slate, in cattle, and in horses. We beg to draw your attention to the fact that at a short distance from our borders—Utica, N. Y.—short-horn cows have been lately sold at prices ranging in one case as high as forty thousand dollars or more, and that this State, as is attested by our agricultural fairs, is making rapid progress in this branch of stock-raising. These purchases are, many of them, made by British herdsmen, and in some instances by the owners of the very herds from which our best importations have been made. Whether it is by reason of the self-reliant habits of thought, the greater skill, the bolder enterprise of our breeders, or on account of our soil and climate, it is true that we are now producing the best short-horns in existence, and that for this reason the very parent herds from which ours have sprung have now to look in ours for the further improvement of themselves. England now supplies all other countries, where cattle-breeding is a studied art, with breeding-stock. It needs but an exhibition, such as is projected, in which our short-horns can be shown alongside of the British herds, to

advertise that superiority of our own now tacitly acknowledged by the English breeder in the price he pays for American cattle.

We have taken the liberty to mention these illustrations because they serve not only to make our meaning plain, but also because the subjects-matter of them are interests vital to the prosperity of our State. But far be it from us to appeal, in support of our advocacy of this national celebration, to advantages which enure exclusively to the benefit of our own State. Those which will flow to the country at large, to each and every State, are still more numerous and important than those to which we have referred, and should move Congress to a just appreciation of the paramount importance and duty of lending the whole weight and power of the Government to promoting the success of the exhibition.

The act referred to declares that it behooves the people of the United States to celebrate, by appropriate ceremonies, the Centennial Anniversary of the nation's birth, and that it is fitting that this event shall be commemorated by an exhibition of the natural resources of the country and their development, and of its progress in those arts which benefit mankind in comparison with those of older nations. Philadelphia is designated as the place for the holding of this exhibition, because no place is so appropriate for such an exhibition as the city in which occurred the event it is designed to commemorate.

You will allow us respectfully to suggest for your consideration, that that which the Congress of the United States declares that it is the duty of, or, in its own words, that it behooves the people of the United States to do, is a proper thing for Congress itself to do; and that when, in addition to this, Congress directs that it shall be done, and at the same time designates the place and prescribes the method for doing it, the nation stands committed to the measure by the act of her representatives in Congress assembled. While Congress may properly remit the enterprise to the individual liberality of her citizens, it would seem that the failure to procure the necessary funds by private subscription, or by municipal appropriation, does not absolve Congress from its implied pledge, or from the duty of doing that which it declares that it behooves the nation to do.

Nor does it seem to us to be just that the Centennial Exposition, made thus a national enterprise, should be allowed to be a burden upon the patriotism of individuals or particular municipalities. If it behooves the nation to defend its honor, it behooves Congress, its concrete self, to provide the means. True, individuals may volunteer their ships, their money, their lives, but it would ill befit the nation's honor to impose upon individuals or upon municipalities the whole burdens of war.

We make no appeal to your patriotism, for that your whole public life attests; nor to your statescraft, for that we are proud to know stands peerless in the halls of our national legislature; but we do entreat your earnest study and consideration of the subject; for in this we have an abiding trust that you will find it consistent with your public duty to enable the Centennial Commission, by proper appropriation, to prepare such an exhibition of the nation's industry as best befits its honor and renown.

Very respectfully,

M. GOLDSMITH,
Commissioner.
HENRY CHASE,
Alternate.

43D CONGRESS, 1st Session. | HOUSE OF REPRESENTATIVES. | MIS. DOC. No. 27.

RETURNING SOLDIERS' NAMES TO ORIGINAL ROLLS.

JOINT RESOLUTION

OF

THE LEGISLATURE OF INDIANA,

ASKING THAT

The names of certain soldiers therein named be restored to their original rolls.

DECEMBER 15, 1873.—Referred to the Committee on Military Affairs and ordered to be printed.

Whereas, after the surrender of the rebel generals Lee and Johnston, with their armies, in the spring of 1865, a large number of soldiers who had enlisted in the Army of the United States to serve three years or during the war, believing the war was at an end and their term of service expired, left their regiments and returned to their homes before they were legally and finally discharged; and

Whereas such soldiers were charged upon the rolls of their respective companies with desertion, in consequence of which charge they have never been able to recover from the Government of the United States any bounty or the pay that was due them at the time they so left their commands: Therefore,

Resolved by the general assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives be requested to use their influence to secure the passage of a law by the Congress of the United States to restore all such soldiers as are mentioned in the preamble of this joint resolution to all their rights, the same as if they had been legally discharged, and to authorize the Adjutant-General of the United States Army to remove from the rolls the charge of desertion against such soldiers.

Resolved further, That his excellency the governor be requested to forward a copy of this joint resolution to each of our Senators and Representatives in Congress.

W. K. EDWARDS,
Speaker of the House of Representatives.
LEONIDAS SEXTON,
President of the Senate.

Approved March 10, 1873.

THOMAS A. HENDRICKS,
Governor.

STATE OF INDIANA, *Office of Secretary of State, ss:*

I, William W. Curry, secretary of state of the State of Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of enrolled joint resolution now on file in the office of secretary of state of the State of Indiana, passed by the general assembly of the State of Indiana, at the regular session thereof, held in the year A. D. 1873.

In witness whereof, I have hereunto set my hand and affixed the seal of the State of Indiana, at the city of Indianapolis, this 13th day of December, A. D. 1873.

SEAL.] W. W. CURRY,
Secretary of State.

O

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 28.

JUDICIAL DISTRICTS.

RESOLUTION

OF

THE LEGISLATURE OF INDIANA,

AGAINST

Any division of the State into two or more judicial districts.

DECEMBER 15, 1873.—Referred to the Committee on the Judiciary and ordered to be printed.

Whereas a bill is now pending in the Congress of the United States for the division of the district of Indiana into two judicial districts, creating a new district of that portion of the State lying south of the counties of Wayne, Henry, Hancock, Marion, Hendricks, Putnam, Parke, and Vermillion; and

Whereas the public interests do not require a new district in the State, as the amount of business is not greater than can readily be disposed of by the present judicial force, and the multiplication of districts greatly increases the expenses of the General Government and the burdens of the public; and

Whereas the proposed new district, so far as the great body of the people within its limits is concerned, will occasion great inconvenience by compelling parties, witnesses, jurors, and counsel to travel a much greater distance than now, by a circuitous route and at greatly increased expense: Therefore,

Be it resolved by the senate and house of representatives of the general assembly of the State of Indiana, That our Senators be instructed, and our Representatives in Congress be requested, to oppose the passage of any such bill.

2d. That the governor be requested to cause copies of this joint resolution to be certified to the said Senators and Representatives.

W. K. EDWARDS,
Speaker of the House of Representatives.
G. W. FRIEDLEY,
President of the Senate.

STATE OF INDIANA,
Office of Secretary of State, ss:

I, William W. Curry, secretary of state of the State of Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of enrolled joint resolution now on file in the office of the secretary of state of the State of Indiana, passed by the general assembly of the State of Indiana, at the special session thereof, held in the year A. D. 1872.

In witness whereof, I have hereunto set my hand and affixed the seal of the State of Indiana at the city of Indianapolis, this 13th day of December, A. D. 1873.

[SEAL.]

W. W. CURRY,
Secretary of State.

O

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 29.

HOMESTEADS FOR SOLDIERS.

RESOLUTION

OF

THE LEGISLATURE OF INDIANA,

ASKING

Congress to provide by law for homesteads for soldiers, &c.

DECEMBER 15, 1873.—Referred to the Committee on Military Affairs and ordered to be printed.

Whereas the House of Representatives of the United States have passed an act, entitled "An act to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States; and

Whereas said act is now pending in the Senate of the United States: Therefore,

Be it resolved by the general assembly of the State of Indiana, That our Senators in Congress be instructed to vote for, and to make all proper exertion to procure, the passage of said act through the Senate of the United States.

Resolved, That his excellency the governor be requested to transmit a copy of this joint resolution to each of our Senators in Congress.

W. K. EDWARDS,
Speaker of the House of Representatives.
G. W. FRIEDLEY,
President of the Senate.

STATE OF INDIANA,
Office of Secretary of State, ss:

I, William W. Curry, secretary of state of the State of Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of enrolled joint resolution now on file in the office of secretary of state of the State of Indiana, passed by the general assembly of the State of Indiana at the special session thereof, held in the year A. D. 1872.

In witness whereof I have hereunto set my hand and affixed the seal of the State of Indiana, at the city of Indianapolis, this 13th day of December, A. D. 1873.

[SEAL.]

W. W. CURRY,
Secretary of State.

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 30.

HARBOR AT MICHIGAN CITY.

RESOLUTION

OF THE

LEGISLATURE OF INDIANA,

RELATIVE TO

The completion of the harbor at Michigan City.

DECEMBER 15, 1873.—Referred to the Committee on Commerce and ordered to be printed.

Be it resolved by the general assembly of the State of Indiana, That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested, to use all honorable means to secure an appropriation of money by Congress to complete the harbor at Michigan City.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

W. K. EDWARDS,
Speaker of the House of Representatives.
G. W. FRIEDLEY,
President of the Senate.

STATE OF INDIANA, *Office of Secretary of State, ss:*

I, William W. Curry, secretary of state of the State of Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of enrolled joint resolution, now on file in the office of secretary of state of the State of Indiana, passed by the general assembly of the State of Indiana, at the special session thereof, held in the year A. D. 1872.

In witness whereof I have hereunto set my hand and affixed the seal of the State of Indiana, at the city of Indianapolis, this 13th day of December, A. D. 1873.

W. W. CURRY,
Secretary of State.

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 31.

HOMESTEAD LAW.

RESOLUTION

OF

THE LEGISLATURE OF KANSAS,

RELATIVE TO

The homestead law.

DECEMBER 15, 1873.—Referred to the Committee on the Public Lands and ordered to be printed.

Whereas the homestead act of Congress, approved June 8, 1872, expressed in the third section of said act as follows: "That any person entitled to the benefits of this act, and who has heretofore made a homestead entry of less than one hundred and sixty acres, may enter under this act an additional quantity of land contiguous to the first entry, which shall make in the aggregate one hundred and sixty acres," which is adverse to the interests of a large number of soldiers who, having made entry upon eighty-acre homesteads, are now debarred under the law from participating in the additional eighty acres of land due them from the Government, from the fact that all lands contiguous to their original entry of eighty acres of land have, from various causes, passed from the control of the United States Government: Be it therefore

Resolved by the house of representatives, (the senate concurring,) That our Senators in Congress are hereby earnestly requested to use all honorable means to secure the passage of an act granting to all soldiers the right of entry to eighty acres of unimproved Government land, whenever the same shall be selected, and subject to entry under the homestead laws: *Provided*, That said soldiers shall not have participated in the entry of more than eighty acres of land under all former homestead laws.

Resolved, That the secretary of state is hereby requested to transmit a certified copy of the preceding resolution to each member of our congressional representation at Washington.

I, A. R. Banks, chief clerk of the house of representatives, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the house of representatives February 24, 1873.

ALEX. R. BANKS,
Chief Clerk House of Representatives.

Concurred in by the Senate February 24, 1873.

GEO. C. CROTHER,
Secretary Senate.

I, W. H. Smallwood, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a true and correct copy of the original instrument of writing now on file in this office.

In testimony whereof I have hereunto subscribed my name and affixed the great seal of State. Done at Topeka this 19th day of March, 1873.

W. H. SMALLWOOD,
Secretary of State.

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 32.

PENSIONS TO SOLDIERS OF THE MEXICAN WAR.

RESOLUTION

OF THE

LEGISLATURE OF TENNESSEE,

IN FAVOR OF

Granting pensions to the surviving soldiers, &c., of the war with Mexico, and of the Indian war of 1836.

DECEMBER 15, 1873.—Referred to the Committee on Invalid Pensions and ordered to be printed.

Whereas, as a testimonial of the esteem and grateful recollection in which this nation holds those who have imperiled their lives in her cause, as a sacred duty which she owes the survivors of the war with Mexico, and the Indian war of 1836, and in view of the fact that the cause of those who fought at Monterey, Buena Vista, and Molino Del Rey, and the Indian war of 1836, have, as yet, not received that return which their services demanded: Therefore,

Be it resolved by the general assembly of the State of Tennessee, That our Senators and Representatives in Congress be requested to ask the National Congress to place the names of the survivors of the war against Mexico, and the Indian war of 1836, upon the pension-roll of the Government on an equal footing with those of 1812-'15.

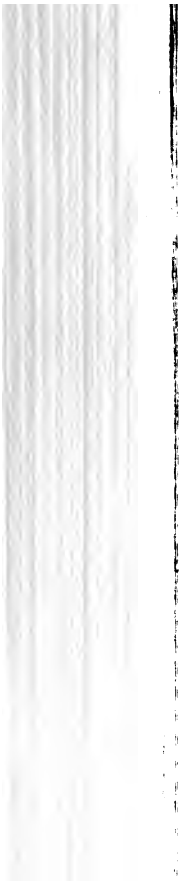
Be it further resolved, That a copy of this preamble and accompanying resolution be sent to our Senators and Representatives in Congress.

Adopted February 8, 1873.

W. S. McGAUGHEY,
Speaker of the House of Representatives.
A. T. LACEY,
Speaker of the Senate.

Approved February 17th, 1873.

JNO. C. BROWN,
Governor.



43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 33.

IMPROVEMENT OF THE OHIO RIVER AND ITS TRIBUTARIES.

RESOLUTION

OF THE

LEGISLATURE OF TENNESSEE,

FOR

Improvement of the Ohio River and its tributaries, particularly the Tennessee and Cumberland Rivers.

DECEMBER 15, 1873.—Referred to the Committee on Commerce and ordered to be printed.

Whereas the governor of this State, in accordance with a resolution passed by a general convention held at Cincinnati, February 20, 1872, to consider means necessary to secure from the Government such action as would render the Ohio River and its tributaries, and the Tennessee and Cumberland Rivers, reliable, commodious, and cheap transportation highways—demanded by the people of the West—did, in joint action with the governors of the States of Illinois, Indiana, Ohio, Kentucky, West Virginia, and Pennsylvania, create and appoint five commissioners, to act in harmony and conjunction with a similar number of commissioners of the other-named States, to the end that a board of commissioners should exist, through whom, and by whose exertions, the Government of the United States should, with the least possible delay, enter upon the work of making the Ohio and its tributaries, especially the Tennessee and Cumberland Rivers, all that is required to meet the wants of the internal commerce of the country for inland navigation; and

Whereas the seven States represented by this commission, and the seven other great States bordering on the Mississippi Valley, contain quite one-half of the whole population of the nation; produce quite sixty per cent. of the farm products of the country; to whom cheap transportation is a necessity and an urgent need; and

Whereas, in consequence of the high rates for railroad transportation, the cost of farm products is enormously enhanced to the consumer; increasing the cost of the skilled labor necessary to the development of the mineral resources of the country, without any direct or indirect

benefit to the laborer himself; destroying the profits of the agriculturist, and thus impairing the value of farm labor, to the depression of wages for agricultural labor, and the discouragement of capital from embarking in agricultural development; and

Whereas the present as well as the future interest of this and other States is injured by reason of the want of cheap transportation, the development of their resources delayed, and the field for agricultural recompense impoverished; and

Whereas it is the duty of the legislators of the nation to create all such facilities of a public character as will give its people cheap food, its population a demand for well-paid labor, and the nation all that political power and public prosperity that may arise or can be produced through an active, broad development of its resources: Therefore,

Resolved, That we consider the improvement of our water-lines as indispensable to the production of cheap transportation; as a powerful stimulant to the creation of manufactured as well as agricultural products, and as the means of furnishing the necessities of life at a low rate to the consumer.

Resolved, That while mindful of the importance of increased railroad transportation, and the duty of the encouragement thereof, yet, in view of the rapid growth of the nation, and the cheapness with which large quantities of freight can be moved on water, we declare that it is essential to the interest of the people of the whole nation that our internal river navigation should receive the immediate attention of our General Government, and any money set apart to place the Ohio, Tennessee, and Cumberland Rivers in a reliable, commodious, navigable condition, is not only a wise appropriation of public money, but one that the agricultural population of the whole West demands.

Resolved, That the seven States of the Ohio Valley, containing tenfold the amount of those mineral and manufacturing resources which have given Great Britain her past political and financial power, and having one-third the population of the nation; producing two-fifths of all the farm products of the country, and having paid into the Treasury of the nation, under the internal-revenue laws, one-third of the sum thus collected, are but insisting upon an indefeasible right in asking that the Government of the United States shall expend upon the Ohio, Tennessee, and Cumberland Rivers, and other tributaries, such sums as will render their immense mineral resources remunerative to the States and the nation, and give to a large proportion of the entire nation, which produces as great a share of the food of the whole people, and has paid as heavy a proportion of the governmental expenses and its debts, such ample internal water transportation as the rivers of those States can be made to afford, and is demanded by the wants of their internal commerce.

Resolved, That we recognize the authority of the joint commission created by the joint action of the governors of the Ohio Valley States, and we hereby indorse their action to secure adequate and proper appropriations by the Government of the United States in behalf of this great public enterprise committed to their charge.

Resolved, To the more fully giving countenance and the support of this State, that we hereby instruct our Senators to aid them by action in the Senate of the United States, and hereby earnestly request our Representatives of the various districts of this State to give the request of this joint board of commissioners their combined, hearty, and earnest support.

Resolved, That the governor of this State is hereby instructed to forward a copy of these preambles and resolutions to each Senator and Representative of this State.

Adopted February 21, 1873.

A. T. LACEY,
Speaker of the Senate.
W. S. McGAUGHEY,
Speaker of the House of Representatives.

Approved March 7th, 1873.

JNO. C. BROWN,
Governor.

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 34.

WEATHER-REPORTS.

RESOLUTION

OF

THE LEGISLATURE OF TENNESSEE,

IN FAVOR OF

Establishing a system of crop and weather reports, with branches in each State.

DECEMBER 15, 1873.—Referred to the Committee on Agriculture and ordered to be printed.

Resolved by the general assembly of the State of Tennessee, That our Senators and Representatives in Congress are hereby requested to use their influence in securing such an appropriation by the Congress of the United States for establishing an international system of crop and weather reports, with branches in each State, with a view of guarding and protecting the agricultural interest against the combinations of speculators, as may render said system thoroughly national and international, and worthy alike of the Government and people of the United States.

Resolved, That a copy of the foregoing joint resolution, duly certified, be presented to our Senators and Representatives in Congress, with the least avoidable delay.

Adopted February 8, 1873.

W. S. McGAUGHEY,
Speaker of the House of Representatives.
A. T. LACEY,
Speaker of the Senate.

Approved February 17, 1873.

JNO. C. BROWN,
Governor.

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43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 35.

CENTENNIAL EXPOSITION.

RESOLUTION

OF

THE LEGISLATURE OF TENNESSEE,

IN FAVOR OF

An appropriation by Congress to aid the Centennial Exposition at Philadelphia.

DECEMBER 15, 1873.—Referred to the Select Committee on the Centennial Celebration and ordered to be printed.

Whereas the Congress of the United States, by an act approved March 3, 1871, has provided for celebrating the one hundredth anniversary of American independence by an international exposition of American and foreign arts, products, and manufactures, to be held under the auspices of the Government of the United States, in the city of Philadelphia, commencing in April and ending in October of the year 1876; and

Whereas by a subsequent act, approved June 1, 1872, an act of incorporation was passed by Congress, looking to the formation of a joint-stock company with a capital stock of ten millions of dollars, whereby to provide means adequate for said exhibition; and

Whereas the apportionment of stock for Tennessee, under said act of incorporation, is much larger than the financial condition of our people may justify them in subscribing; and

Whereas the mode of raising funds for celebrating the hundredth anniversary of American independence by joint-stock subscription, necessarily tends to convert a great national occasion into a mere money getting speculation, is inconsistent with the patriotic memories it is intended to commemorate, and utterly unworthy of the people whose liberty it is designed to fittingly immortalize: Therefore,

Be it resolved by the general assembly of the State of Tennessee, That our Senators be instructed, and our Representatives requested, to propose, advocate, and sustain, by their votes, such an appropriation by Congress for said Centennial Exhibition as may be necessary to make said proposed celebration thoroughly national and international, and worthy alike of the Government and people of the United States: *Provided*, That said appropriation shall not be given in aid of any corporation for that purpose.

Resolved, That a copy of the foregoing joint resolution, duly certified, be forwarded to our Senators and Representatives in Congress, with the least avoidable delay.

Adopted February 25, 1873.

A. T. LACEY,
Speaker of the Senate.
W. S. McGAUGHEY,
Speaker of the House of Representatives.

Approved March 8, 1873.

JNO. C. BROWN,
Governor.

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS.DOC. No. 36.

CLAIM OF THE SOUTHERN METHODIST PUBLISHING HOUSE.

RESOLUTION

OF

THE SENATE OF TENNESSEE,

ASKING

Congress to adjust the claim of the Southern Methodist Publishing House against the United States.

DECEMBER 15, 1873.—Referred to the Committee on War Claims and ordered to be printed.

WEDNESDAY MORNING, *February* 19, 1873.

The senate met pursuant to adjournment, Mr. Speaker Lacy in the chair.

* * * * * * *

By Mr. JONES: Senate resolution No. 42, viz:

Whereas it is understood that the Government of the United States, by the military commander of this district, took possession of the publishing house of the Methodist Episcopal Church South, located at Nashville, in this State, in 1864, and used said publishing house, its machinery, materials, &c., for the benefit of the Federal Government, thus materially affecting the usefulness of this institution, which is eleemosynary in its character, and established for the purpose only of disseminating religious, moral, and scientific knowledge among the millions belonging or attached to that church; and

Whereas it is important that that institution should be restored to its normal energy and usefulness: Therefore

Resolved by the general assembly of the State of Tennessee, That the Government of the United States is respectfully requested to adjust the claim of said publishing house now before the Government of the United States, on the principles of justice and equity, at as early a period as it can be done.

THURSDAY MORNING, *February* 20, 1873.

The senate met pursuant to adjournment, Mr. Speaker Lacy in the chair.

* * * * * * *

Resolutions.

Senate joint resolution No. 42, in regard to the claim of the Methodist Publishing House against the United States Government, was adopted.

I, Charles N. Gibbs, secretary of state for the State of Tennessee, do hereby certify that the foregoing is a true copy from the senate journal of the senate of the 38th general assembly of Tennessee, the original of which is now on file in my office.

[SEAL.] CHAS. N. GIBBS,
Secretary of State.

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 37.

TWO PER CENT. CLAIMS OF OHIO, INDIANA, AND ILLINOIS.

RESOLUTION

OF THE

LEGISLATURE OF INDIANA,

IN RELATION TO

The two per cent. claims of Ohio, Indiana, and Illinois, now pending before Congress.

DECEMBER 15, 1873.—Referred to the Committee on the Judiciary and ordered to be printed.

Whereas there is a bill now pending before the Congress of the United States, in relation to the two per cent. claims of the States aforesaid, the substantial part of which reads as follows: "That the true intent and meaning of the second section of the act approved March 3, 1857, entitled 'An act to settle certain accounts between the United States and the State of Mississippi and other States,' is, that all the other States, to wit, Ohio, Indiana, and Illinois, which have not received the full amount of their five per cent. of the net proceeds of the sale of the public lands lying within their respective limits, as mentioned in their several enabling acts, in money, shall have their accounts stated, both on the public lands and reservations, and such cash balance as has not been paid to said States, allowed and paid;" and

Whereas it is the judgment of this general assembly that the provisions of the said bill are just, and ought to become law: Therefore

Be it resolved by the general assembly of the State of Indiana, That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested, to vote for said bill, and use their influence to procure its speedy passage.

Be it further resolved, That the governor be and is hereby requested to transmit a copy of this joint resolution to each of our Senators and Representatives in the Congress of the United States.

W. K. EDWARDS,
Speaker of the House of Representatives.
G. W. FRIEDLEY,
President of the Senate.

STATE OF INDIANA, *Office of Secretary of State, ss:*

I, William W. Curry, secretary of state of the State of Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of enrolled joint resolution now on file in the office of secretary of state of the state of Indiana, passed by the general assembly of the State of Indiana, at the special session thereof held in the year A. D. 1872.

In witness whereof I have hereunto set my hand and affixed the seal of the State of Indiana, at the city of Indianapolis, this 13th day of December, A. D. 1873.

W. W. CURRY,
Secretary of State.

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 38.

PUBLIC BUILDING AT RALEIGH, NORTH CAROLINA.

RESOLUTION

OF THE

LEGISLATURE OF NORTH CAROLINA,

IN RELATION TO

The United States court-house and post-office to be built in Raleigh, North Carolina.

DECEMBER 15, 1873.—Referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Whereas it appears that the chief architect of the United States, in his report to Congress, recommends that the United States court-house and post-office to be erected in Raleigh be built of pressed brick; and

Whereas there are numerous and inexhaustible stone-quarries of granite and sandstone in the State that can be had at reasonable prices:

Resolved by the general assembly of North Carolina, That our Senators and Representatives in Congress be instructed and requested to exercise their efforts with the authorities of the Government at Washington to have the said court-house and post-office built of stone.

Adopted by the general assembly of North Carolina, and ratified the 11th day of December, 1873.

I. L. ROBINSON,
Speaker of the House.
C. U. BROGDEN,
President of the Senate.

STATE OF NORTH CAROLINA,
Office Secretary of State, Raleigh, December 11, 1873.

I, William H. Howerton, secretary of state, hereby certify that the foregoing is a true copy from the original on file in this office.

[SEAL.] WM. H. HOWERTON,
Secretary of State.

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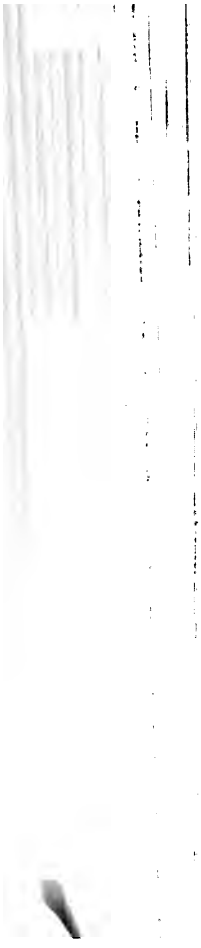

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 39.

DISTRICT COURT AT FORT WAYNE.

RESOLUTION

OF

THE LEGISLATURE OF INDIANA,

ASKING

The establishment of a district court of the United States at Fort Wayne, Ind.

DECEMBER 15, 1873.—Referred to the Committee on the Judiciary and ordered to be printed.

Resolved by the senate, (the house of representatives concurring,) That our Senators in Congress be instructed, and our Representatives be requested, to use all proper means to secure the establishment of a district court of the United States at the city of Fort Wayne, in the county of Allen, in the State of Indiana, for Northern Indiana, and also a distributing post-office at said city, and to obtain an appropriation for the erection of a suitable building for the purposes contemplated by this resolution.

Resolved, That the governor be, and is hereby, requested to furnish each of our Senators and Representatives in Congress, as soon as practicable, with a copy of this resolution.

W. K. EDWARDS,
Speaker of the House of Representatives.
LEONIDAS SEXTON,
President of the Senate.

STATE OF INDIANA, *Office of Secretary of State, ss:*

I, William W. Curry, secretary of state of the State of Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of enrolled joint resolution now on file in the office of secretary of state of the State of Indiana, passed by the general assembly of the State of Indiana at the regular session thereof, held in the year A. D. 1873.

In witness whereof I have hereunto set my hand and affixed the seal of the State of Indiana, at the city of Indianapolis, this 13th day of December, A. D. 1873.

W. W. CURRY,
Secretary of State.

43D CONGRESS, 1st Session. HOUSE OF REPRESENTATIVES. MIS. DOC. No. 40.

SHIP-CANALS IN MISSISSIPPI VALLEY.

RESOLUTION

REQUESTING THE

COMMITTEE ON RAILWAYS AND CANALS

TO INQUIRE INTO

The expediency of maturing a bill for a better system of national defense and cheap transportation.

DECEMBER 17, 1873.—Referred to the Committee on Railways and Canals and ordered to be printed.

Resolved, That the Committee on Railways and Canals be requested to inquire into the expediency of reporting a bill for the construction of a national ship-canal, capable of carrying sea-going vessels, from some proper point on the Gulf of Mexico, thence following the Mississippi and Illinois River Valleys to Chicago, on Lake Michigan, with the following branches:

First. Up the Ohio River Valley to Pittsburgh.

Second. Up the Mississippi River Valley to some point above the Falls of Saint Anthony.

Third. Up the Missouri River Valley as far as Omaha.

SEC. 2. That the said canal be open for commercial purposes, at moderate and uniform rates, to be fixed by law.

SEC. 3. That local, State, or company canals may connect with it and be permitted to transport vessels, boats, and barges thereon, provided they are subject to the same uniform rates and charges.

SEC. 4. That it shall provide for the construction of basins and harbors at commercial cities on the main canal, and that such be ports of entry.

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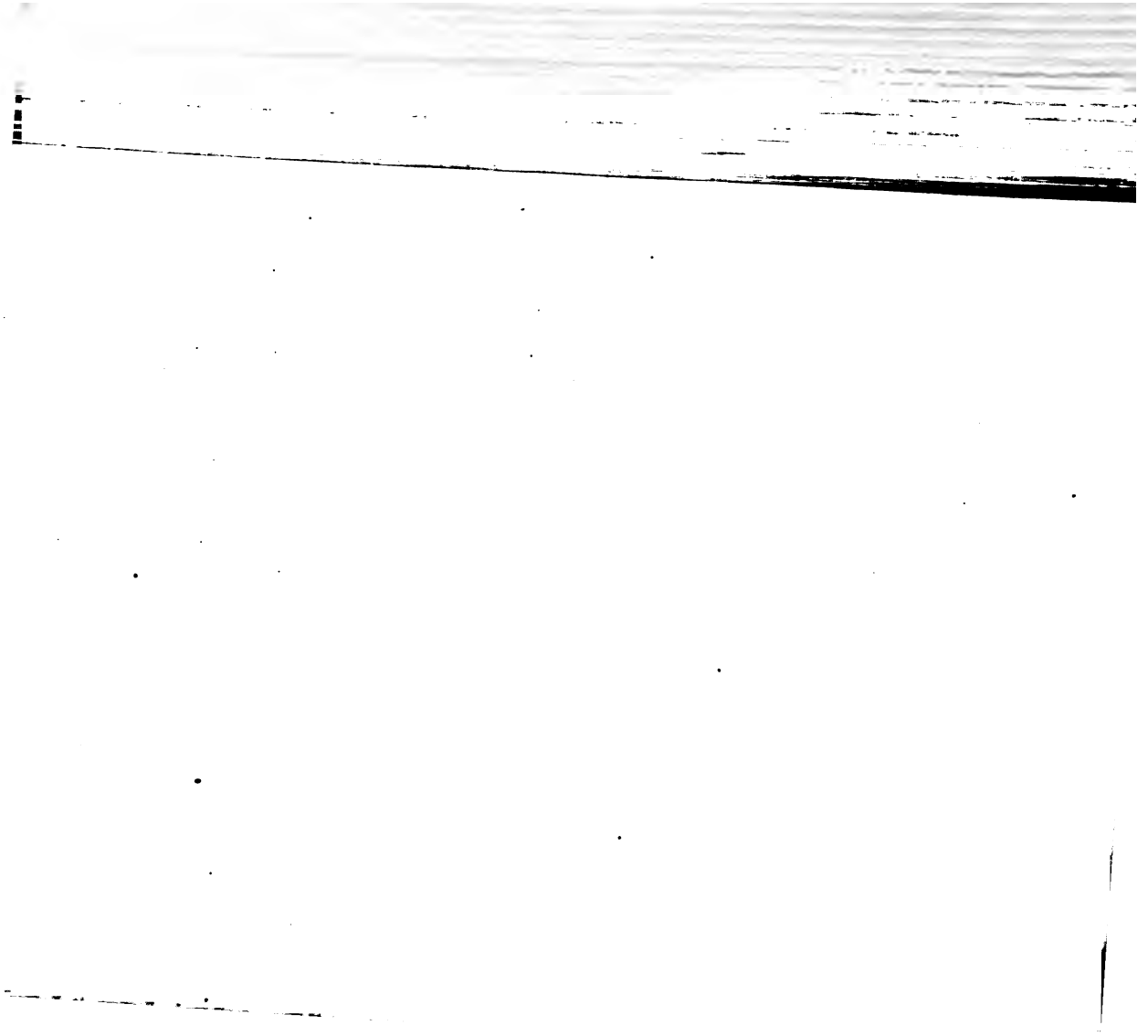

43D CONGRESS, 1st Session. HOUSE OF REPRESENTATIVES. MIS. DOC. No. 41.

REVOLUTION IN CUBA.

MEMORIAL

OF

THE PEOPLE OF NEW YORK CITY

IN RELATION TO

The revolution in Cuba.

DECEMBER 17, 1873.—Referred to the Committee on Foreign Affairs and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States:

The undersigned memorialists, residents of the City of New York and vicinity, respectfully show:

That for more than five years there has existed a state of revolution in the island of Cuba, caused, as your memorialists believe, by the efforts of the native-born population to throw off their allegiance to Spain.

We further respectfully represent that, while acknowledging the right of the Spanish government and people to retain their possessions in Cuba, we claim that they are bound by the laws of humanity and civilization to conduct their measures of repression in accordance with the laws recognized by all civilized nations.

From information received, we believe that the greatest possible atrocities are frequently practiced; men, women, and children are indiscriminately murdered by the representatives of the Spanish government, even after resistance has ceased.

During the past few years nearly three thousand political prisoners have been shot or otherwise executed, many of them without any form of trial; nearly five thousand prisoners have been taken, whose fate—probably worse than death—is unknown save to their captors. Worse still, over three hundred women and children have been driven to the woods without food or shelter, the inhabitants forbidden to communicate with or assist them under penalty of death; nay, more, they have been hunted, torn, and mutilated by bloodhounds, and sacrificed to the lust of a cruel and unrestrained soldiery, acting in the name of the government.

We respectfully represent that we feel these acts to be a stigma and a disgrace to our common humanity, and that it is our duty to use all lawful means in our power to put a stop to these horrors.

We therefore pray your honorable body to speedily adopt such measures as will in future prevent the recurrence of these cruel and inhuman acts.

And it is further

Resolved, That the citizens of New York and vicinity, in mass meeting here assembled, most earnestly pray that the Senate and House of Representatives will immediately grant belligerent rights to the people, in the present contest in Cuba for independence against oppression and the holding in bondage by Spain of a people of different color and race

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 42.

ESTIMATES, VOUCHERS, AND EXPLANATIONS OF DEFICIENCY ESTIMATES.

LETTER

FROM

THE POSTMASTER GENERAL,

TO

HON. JAMES A. GARFIELD, CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,

WITH

Estimates, vouchers, and explanations of deficiency estimates.

DECEMBER 17, 1873.—Referred to the Committee on Appropriations and ordered to be printed.

POST-OFFICE DEPARTMENT,
Washington, D. C., December 16, 1873.

SIR: I have the honor to make the following request, viz:

1st. That to the bill making appropriations out of any money in the Treasury not otherwise appropriated, for supplying deficiencies for fiscal year ending June 30, 1874, there be inserted the sum of $5,633.33, being amount required to meet the expense incurred in alterations and improvements to the Post-Office building, made necessary by the change of grade of Eighth street, (see paper herewith marked A,) and the sum of $4,488.46, being amount required for rent of house No. 915 E street, northwest, from June 6, 1873, to June 30, 1874.

2d. That the sum of $4,200 be added to the estimate for contingent expenses of the Post-Office Department on page 47 of the Secretary of the Treasury's book of estimates for the fiscal year ending June 30, 1874, for rent of building above mentioned. The papers herewith, marked B, numbered 1 to 14 inclusive, set forth the exigency of the service in requiring the use of the said house for office purposes.

3d. That the sum of $2,101.87, amount due special agents of this Department, be appropriated out of the deficiency in the postal revenue for fiscal year ended June 30, 1872. (See paper herewith, marked C.

I am, sir, very respectfully, &c.,

JNO. A. J. CRESWELL,
Postmaster-General.

Hon. J. A. GARFIELD,
Chairman Committee on Appropriations, House of Rep.

Schedule of papers accompanying letter of Postmaster-General to chairman of Com Appropriations, House of Representatives.

Letter.	Subject.
A	Report of Supervising Architect on bill of M. J. Emery & Bros.
B 1.....	Report on the necessity for more room.
B 2.....	Schedule of proposals for renting buildings to the Post-Office Depar
B 3.....	Report of the Supervising Architect on building.
B 4.....	Report of the chief clerk Supervising Architect's office and Assista perintendent State Department on buildings.
B 5.....	Supplemental report of above officers.
B 6.....	Proposal for rent of premises 1000, 1002, and 1004 F street.
B 7.....	Proposal for rent of premises 809 E street.
B 8.....	Proposal for rent of premises 508 Ninth street.
B 9.....	Proposal for rent of premises 708 E street.
B 10.....	Proposal for rent of premises 618 F street.
B 11.....	Proposal for rent of premises 915 E street.
B 12.....	Proposal for rent of premises 913 E street.
B 13.....	Proposal for rent of premises (May Building) Seventh and E street
B 14.....	Lease of premises 915 E street.
C	Letter of C. Cochran, jr., relative to amounts due special agents Post-Office Department.

A.

Report of Supervising Architect on bill of M. J. Emery & Bros

TREASURY DEPARTMENT,
OFFICE OF SUPERVISING ARCHITECT,
February 28, 18

SIR: In accordance with your instructions I have examined th of Messrs. M. J. Emery & Bros., for alterations and improvemen the Post-Office building, rendered necessary by the change of gra Eighth street, which made said alterations and improvements nece in order to provide an entrance for the mail-wagons to the court-ya the General Post-Office. This work was of a nature that could n foreseen and provided for.

Under these circumstances Messrs. Emery & Bros. agreed to pe the work at the lowest market rates, trusting for an appropriation made by Congress for the amount, which proposition I recommend accepted in my letter of October 18, ultimo, and the work has completed.

I find, after careful examination of the vouchers for the work formed by Messrs. Emery & Brothers and the sub-contractors, that are reasonable and proper, and not above market rates, exceptin bill of Messrs. Finegan & Nasdall, all the items of whose bill sho cessive, and the bill is, in my opinion, not only exorbitant but disc

B 1.

Report of Committee on Post-Office building, 1873.

POST-OFFICE DEPARTMENT,
Washington, D. C., May 9, 1873.

SIR: The undersigned, designated by you a committee to examine the building now occupied by the Post Office Department and the Sixth Auditor's Bureau of the Treasury Department, in order to ascertain whether it is practicable to obtain sufficient room therein to accommodate the rapidly increasing business of the Department and of the Auditor's Bureau, beg leave to submit the following report:

The immediate and pressing necessity for increased facilities in transacting the public business arises from the fact that Congress at its last session authorized the appointment of fifteen clerks in the Sixth Auditor's office; and furthermore, the introduction of the postal-card system. The constant extension of the postal service throughout the country, the increase of the money-order business, together with other work imposed upon the Department by recent congressional action, render the appointment of at least eight additional clerks absolutely necessary. These twenty-three additional clerks must be provided with room in which to perform their duties. Hence the necessity of the examination made pursuant to your instructions.

The increase in the number of post-offices in the United States, now numbering over 32,000, has caused a great increase in the labors of the Department, especially in the postage-stamp and stamped-envelope division of the Third Assistant Postmaster-General's office, and in the several divisions of the office of the Auditor, and it is now found that the parts of the building assigned to these offices are insufficient to afford the room actually necessary to enable the clerks to properly perform their duties. The rooms are crowded, many of the occupants being compelled to have their desks in corners far removed from the light; in some cases clerks engaged in different kinds of work are located in the same room, causing confusion and increasing the liability to errors. In the present building there are no vacant rooms which can be made available for the accommodation of additional clerks. We have, therefore, in accordance with your suggestions, instituted inquiries with the view of ascertaining whether any building or rooms outside of the Department could be secured. The only building in the neighborhood that can be obtained, as far as we are at present informed, is at No. 708 E street, immediately opposite the main entrance to the Department. This building is now being repaired and fitted up by Messrs. A. L. Barber & Co., the present lesses, and it is in every way suitable, and possession can be obtained at any day. It contains some fourteen or fifteen rooms, all of good size, and many of them larger than the rooms in the Post-Office building. They are all well lighted and ventilated, and in every way suited for offices. There are stationary washstands in each room and water-closets on each floor. The lessees will fit up the building in accordance with the wishes of the Department, and will lease it at a rental of $400 per month.

The building is not of sufficient size to accommodate the whole of any bureau of the Department, and as the work of each division of the Auditor's office is so intimately connected with the other, no part of that office could be moved to a separate building. The same will apply to the postage-stamp division of the Third Assistant Postmaster-General's office, which must be retained near the Auditor's office.

In view of all the circumstances, and especially the impos
procuring rooms in the present building for the additional cle
required, we feel justified in pressing upon your attention t
necessity of obtaining the increased accommodations, either i
ner herein suggested, or by adopting some better method, at t
practicable moment.

Very respectfully, your obedient servants,

J. J. MARTIN,
Auditor for Post-Office Dep
E. W. BARBER,
Third Assistant Postmaster-
J. M. McGREW,
Chief Clerk Auditor
WM. M. IRELAN
Chief Clerk Third Assistant Postmaster-
A. D. HAZEN,
Principal Clerk Stamp D

Hon. JOHN A. J. CRESWELL,
Postmaster-General.

B 2.

Schedule of proposals for renting buildings to the Post-Office Department.

No. of offer.		Premises.	Superficial feet of space available for office purposes.
(B 6)	1	1000, 1002, and 1004 F street northwest*	5,962. 1,462 of which is excellent
(B 7)	2	809 E street northwest*	2,964
(B 8)	3	508 Ninth street northwest*	2,185
(B 9)	4	708 E street northwest*	2,640
(B 10)	5	618 F street northwest*	2,545
(B 11)	6	915 E street northwest*	3,544
(B 12)	7	913 E street northwest	2,331
(B 13)	8	May Building, corner Seventh and F streets	

street, 809 E street, 508 Ninth street, 708 E street, 618 F street, 915 E street, 913 E street, and May Building, corner of Seventh and E, with a view to ascertain which of them is best adapted for clerical purposes, and which would provide the best accommodations for the portion of your Department for which temporary accommodations are required. The examination was made by the chief clerk of this office, A. G. Mills, esq., and the assistant superintendent of the State Department, W. T. Dewdney, esq., who is an experienced mechanic. I also examined personally such buildings as appeared from their report and from an examination of the exterior to be at all adapted to the wants of the Department.

The property at the corner of F and Tenth streets, being proposition No. 1, is, in my opinion, entirely too remote from your Department, and is in bad condition and undesirable.

Property known as 809 E street, being proposition No. 2, is not specially desirable, and the owner declines to fix any rent unless the Department expresses a willingness to lease the building. Under these circumstances I do not think that any further consideration of these premises is necessary.

Property known as 508 Ninth street, being proposition No. 3, is a good and substantial building, but is not, in my opinion, as desirable as proposition No. 7, which is offered at a lower rent and has a north and south exposure.

Property known as 708 E street, being proposition No. 4, is, in my opinion, entirely unsuitable, there being but six rooms in the building that are adapted for clerical purposes, the basement being entirely unfit for any such purpose. The rent for this building is greatly in excess of that of any other property offered, taking into consideration the amount of accommodations.

Property known as No. 618 F street, being proposition No. 5, is a good building, but possesses no special advantage over proposition No. 3, save a north frontage, while the rent is $1,000 more.

Property known as No. 915 E street, being proposition No. 6, is undoubtedly the best building offered the Department. It is larger and better lighted than any other, and has recently been placed in thorough repair and renovated from top to bottom. It has been occupied ever since its erection by the family of the owner, who was also the builder, and is as clean and well adapted for office purposes as any building that has been used as a dwelling-house can be. The only objection that can be made is the amount of rental, which is, in my opinion, rather high. The agent informs me that the owners are willing to make any alterations or improvements that the Department may desire without extra cost, and I think it probable that they might be induced to reduce the rent. Should the Department desire to rent it, some alterations in the interior will be required, the nature of which I have explained to the agent, and have been assured by him that the owners will make the same without charge. I recommend the lease of this property by the Department, provided the terms are or can be made satisfactory to the Department.

The next property is the house adjoining, known as No. 913 E street. This building is as well adapted to the wants of the Department as any offered, save the one preceding, but it is considerably smaller and much out of repair, and in need of a thorough renovation, which would be indispensable before occupancy by your Department, and would, as I understand, be chargeable to the Department. This would be virtually an addition to the rent.

Property No. 913 E street is offered at a lower rate than any ot
and is in about as good repair as any other building, 915 alone excep

I would, therefore, respectfully suggest that the Postmaster exa
the two buildings last referred to, when he can readily decide whic
the best adapted to the wants of his Department, and the renta
which is most desirable. I feel assured that these two buildings
sent the most desirable selection to be obtained in the list. The pa
referred to in this communication are herewith transmitted.

Very respectfully,

A. B. MULLETT,
Supervising Architec

Hon. J. A. J. CRESWELL,
Postmaster-General.

B 4.

*Report of the chief clerk, and assistant superintendent State Departm
on buildings.*

TREASURY DEPARTMENT,
OFFICE OF SUPERVISING ARCHITECT,
May 26, 187

SIR: In accordance with your instructions we have examined the
ferent buildings offered for rent to the honorable Postmaster-Gene
for the use of the Post-Office Department, and transmit the propo
for the same herewith, together with the following report:

Buildings Nos. 1000, 1002, and 1004 F street (No. 1) have a la
well-lighted room, admirably adapted for the use of draughtsmen, c
the two stores in buildings 1002 and 1004. This room is 34 by 43 f
and is now used as a dancing academy. The remainder of the buildi
is divided into small, indifferently lighted rooms, containing in the
gregate 4,500 superficial feet of room-space. With the exception of
large room specified above, which is in good order, the buildings wo
require considerable outlay to adapt them to the use of the Departm

three rooms well adapted for office purposes, containing 1,072 superficial feet. It contains, in addition, 1,568 feet of room-space which would be available for office purposes. It also has three attic rooms and five rooms in the basement, two of which would answer for office purposes. The building is now undergoing repair, and when completed, will be provided with a furnace, hot and cold water, and gas. It could be made available for a small division of clerks, but contains less office-room than any of the buildings offered.

Building No. 618 F street (No. 5) is a well-constructed four-story brick building, with two-story back building. It contains in the main building 2,220 feet of room-space available for office purposes, excepting that the ceiling of the fourth floor is rather low. It also has in the back building a room suitable for an office, containing 325 superficial feet of space; in addition to which the back building contains four small rooms. This building has a good dry cellar, in which is a furnace, which heats the first floor and halls of the main building. It is also well supplied with water, has gas-fixtures in every room, and is in perfect order throughout, all the walls and ceilings of all the rooms and halls being either painted or papered. The house is in excellent condition.

Building No. 915 E street (No. 6) is a large, substantially-constructed and comparatively new brick building. It has four stories in the main building and three stories in the back building, with cellars under both. The building is now unoccupied, is in thorough repair throughout, and ready for immediate occupancy. It has water-pipes on each floor and gas-fixtures in every room, and the greater part of the building is heated by a furnace. Superficial feet of available room-space for offices in main building, 2,304; in back building, 1,240; in addition to which are bath-rooms, water-closets, kitchen, and cellars. The hall is six feet wide, the ceilings high, and the rooms well lighted. This building we consider the best adapted for office purposes, for the reason that the back building is separated from the main building by an area and brick covered hallway, which admits of two rear windows to each floor, thus admitting to the main building more light and air from the rear than either of the other premises which have a back building afford.

We also inclose a proposal of A. L. Barber & Co. to rent the building on Eighth street known as the Waverly House, which offer, Mr. Barber informed us, is withdrawn, as the house has been rented to private parties.

We express no opinion upon the eligibility of the location of these buildings, nor upon the rent asked for the same.

Respectfully submitted.

A. G. MILLS,
Chief Clerk.
W. T. DEWDNEY,
Assistant Superintendent, State Department.

B 5.

Supplemental report of the chief clerk and assistant superintendent State Department, on buildings.

TREASURY DEPARTMENT,
OFFICE OF SUPERVISING ARCHITECT,
May 28, 187?.

SIR: Respectfully referring to our report of the 26th instant, we have, in accordance with your instructions, examined building No. 913 E street,

WM. T. DEWDNEY,
Assistant Superintendent State Department.

A. B. MULLETT,
Supervising Architect, Treasury Department.

B 6.

Proposal for rent of premises Nos. 1000, 1002, *and* 1004 *F street.*

WASHINGTON, D. C., *May* 23, 1873

DEAR SIR: The undersigned, proprietors of premises Nos. 1000, 10 and 1004 F street, offer the same, exclusive of the two stores, to Post-Office Department for a term of three or more years, at the ann rental of $3,600.

These premises include two buildings, extending from the corne Tenth street along the line of F street, and fronting north about 72 f

The corner house, No. 1000, including the third story of Nos. 1002 1004, with which it communicates, contains nineteen rooms, most which are large, with high ceilings, well lighted and ventilated.

The second building includes Nos. 1002 and 1004, is entirely disc nected with the corner house except in the third story, and contain large hall, 35 feet deep by 45 feet on F street, with a 20-feet ceiling, lighted by five high windows fronting north. From this hall two ro open, averaging about 18 feet by 25 feet. There is a large basen room arranged for fuel.

These buildings adjoin but one other only, to wit., on the west, wl separates them from the alley. There is considerable yard room, h ing two outlets, one on Tenth street and the other in the alley on west.

For further information apply to Dr. W. P. Johnston, No. 1307 F str

Very respectfully, your obedient servants,

W. P. JOHNSTON, M. D
C. H. LIEBEROSEAEN.

Hon. [illegible]

attention to a large building owned by me at No. 809 E street, between Eighth and Ninth streets northwest.

The building is quite new, and is over 27 feet front by 87 or 90 feet deep, is four stories high, with an attic, and contains 22 or 23 rooms in all, 5 water-closets, and a fine bath-room, and one of the finest operating furnaces in the basement cellar probably in the city; and its convenient location and proximity to the General Post-Office building is too obvious to require comment.

Should you be of opinion, after inspection, that the building will suit your purpose, the rent can be fixed on a basis satisfactory to all.

I have the honor to be, very respectfully,

F. B. CULVER.

Hon. J. A. J. CRESWELL,
Postmaster-General.

B 8.

Proposal for rent of premises No. 508 Ninth street.

WASHINGTON, *May* 26, 1873.

SIR: I hereby offer to the Government for rent my house, No. 508 Ninth street northwest, brick building, four stories high, 26 feet front by 40 feet deep, with back building.

The building was two years ago occupied by the Pension-Office, and found to possess all the essential requisites of light, ventilation, and large rooms, for a Government office, and for which I am informed the Government paid twenty-five hundred dollars per year. The property is now estimated at from twenty to twenty-five thousand dollars in value, and I consider that twenty-two hundred dollars per year would be a fair rent in view of the purpose for which it was to be used; but am willing, if that price is objected to, to take $2,000 per annum for it.

Very respectfully, &c.,

A. Y. P. GARNETT.

A. B. MULLETT, Esq.

TREASURY DEPARTMENT, *May* 26, 1873.

MY DEAR SECRETARY: If Dr. Garnett's house will *as well* answer your purposes as any other offered, *and serve the public interest as well*, I should be personally gratified if it could be selected.

Excuse my troubling you about the matter.

Faithfully yours,

FREDERICK A. SAWYER.

Hon. Mr. CRESWELL.

TREASURY DEPARTMENT, *May* 24, 1873.

MY DEAR MR. CRESWELL: The bearer, Dr. Garnett, is a personal friend of mine. He has a house he wishes to rent for post-office purposes. If it will answer the ends you have in view I should feel gratified to know that he had succeeded in leasing it to the Government at an equitable rate.

Very respectfully,

FREDERICK A. SAWYER.

NOTE.—Dr. Garnett proposes to rent house 508 Ninth street to the Department, at one time occupied by Pension Bureau.

stands, &c. We will also give the Department the privilege of renew ing the rent of said premises for a second period of five years, at th rate of $400 per month.

Also, if the Department desires to have a 12-foot French roof put o and completed in good style, at any time during the term of rent lease, we will do the same for an additional price of $50 per month, th giving three more offices.

We desire an answer to this on or before the 20th instant.

We are sir, yours, very respectfully,

A. L. BARBER & CO.

Hon. J. L. ROUTT,
Second Assistant Postmaster-General.

B 10.

Proposal for rent of premises No. 618 F street.

SIR: The premises No. 618 F street (square 456) is the center hou and lot of the square immediately east of the east front of the Post-Off Department.

The *alley* entrance to the lot is midway between Seventh and Six streets; alley 30 feet wide and paved, and the best alley in the city. (this alley adjoining (nearly) my premises are the stables just rented the Department of the Interior.

The dwelling is four stories, with two-story back building. The ba ment has new furnace, which heats the parlor and dining-room and p sages, and is perfectly dry-paved with brick, with front entrance on street, and bells, &c.

First story—Hall, front room, (saloon style for parlor,) 19 by 40; ne room in rear is 16 by 30; next room, 20 by 20; next room, 12 by 1 (laundry;) next comes the back yard, the width of lot, and 40 feet dep to stables. Then the stable, concreted and rat-proof, with accommod tions complete for two horses, with hydrant and carriage-room for o

The water from the house and the surface-water is carried off in an underground sewer, with *water-trap* for all points of discharge of water. No gases from sewer can enter the premises.

Water and gas throughout main and back building, stationary wash-stands, &c. Premises newly papered, grained, and painted. Chandelier in parlor-room, eight burners, glass, and four other burners, and full supply of gas-burners throughout house.

I will rent the premises to the Government for three or more years at $3,000 per year, payable $250 monthly.

The premises are one and a half or two minutes' walk from your Department.

Respectfully,

DEWITT C. LAWRENCE,
Of MASON, FENWICK & LAWRENCE,
Northeast corner of Seventh and F streets.

Hon. POSTMASTER-GENERAL.

NOTE.—Paved cellar under whole of the main building.

B 11.

Proposal for rent of premises No. 915 E street.

WASHINGTON, D. C., *May* 22, 1873.

DEAR SIR: I have the honor to submit the following proposition regarding house No. 915 E street: I propose to rent it for five years, or ten, if desired, for $400 per month. This house contains twenty-two rooms, has been recently repaired, and is fitted up in elegant style. It is complete in all its appointments. I do not think the Department can obtain as suitable a building in the city for the accommodation of clerical force. The key is at my office, and I will be glad to show the premises at any time.

Yours truly,

B. H. WARNER.

Hon. JOHN A. J. CRESWELL,
Postmaster-General.

B 12.

Proposal for rent of premises No. 913 E street.

WASHINGTON, D. C., *May* 26, 1873.

SIR: I desire to lease to the Government my house, No. 913 E street northwest, for Government use, for the sum of $1,800 per annum.

The house is four stories high, 25 feet front, and 44 feet deep, and contains thirteen rooms.

Very respectfully,

Mrs. A. SARGENT,
No. 926 E street northwest.

Hon. A. B. MULLETT,
Architect United States Treasury.

B 13.

Proposal for rent of May building, Seventh and E streets.

WASHINGTON, D. C., *May* 28, 1873.

SIR: I will rent the *three* stories in May building (stores not included) for $6,480, or I will rent the second and third stories for $3,000 *per annum*. In case it is decided to take the second and third stories *alone* I reserve one of the smaller rooms in the third story for some articles I have stored there.

Very respectfully,

JOHN FRED'K MAY.

A. B. MULLETT, Esq.

B 14.

Lease of premises No. 915 E street.

This indenture, made this 6th day of June, in the year 1873, by and between Andrew C. Bradley, of Washington, D. C., of the first part, and John A. J. Creswell, Postmaster-General, for and in behalf of the United States of America, of the second part, witnesseth:

That the said party of the first part, for and in consideration of the rents, covenants and agreements to be paid, kept and performed by the party of the second part, doth hereby demise and lease unto the said party of the second part, those certain premises, with the four-story brick house and brick stable thereon, situated on the north side of E street, between Ninth and Tenth streets, in the city of Washington, in the District of Columbia, and known as house numbered 915 on said E street northwest, to have and to hold to the party of the second part for the term of three years from and after the 5th day of June, anno Domini 1873, with the privilege to the said party of the second part of a renewal of the said term for the further period of two years; the said party of the second part yielding and paying therefor the annual rent during the said term and a subsequent renewal thereof, as aforesaid, of four thousand and two hundred dollars, ($4,200,) payable quarterly on the 30th day of September, the 31st day of December, the 31st day of March, and on the 30th day of June.

And it is hereby mutually understood and agreed, by and between the parties hereto, that this lease is made subject to an appropriation by Congress, for the payment of the rental herein stipulated for, and that no payment shall be made to said party of the first part on account of such rental until such appropriation shall be available, and that as soon as practicable after such appropriation shall become available the arrears of the rent then due shall be paid in full, and thereafter payment shall be made at the times and in the manner hereinbefore stipulated.

And it is hereby agreed by said party of the first part that he will, at his own expense, remove such partitions and construct such partitions with necessary doorways any doors in said building, and construct such water-closets with the necessary water connections as may be required by the Supervising Architect of the Treasury Department, and that he will leave in good order all gas fixtures now in said building for the use

of the said party of the second part; and the party of the second part will keep the said premises in good repair during the continuance of this lease and any renewed term thereof, and the expenses of any alterations of or additions to the interior, not herein otherwise provided for, so as to adapt it to the use of the United States, and not calculated to damage the premises, are to be borne by the party of the second part, and all taxes and assessments legally levied or charged upon the property are to be paid by the party of the first part.

And it is hereby further provided that in case the premises, or any part thereof, during said term or the renewal thereof, be destroyed or injured by fire or other unavoidable casualty, so that the same shall be thereby rendered unfit for use, then the rent hereinbefore reserved, or a just and proportionable part thereof, according to the extent and nature of the injury sustained, shall be suspended or abated until the said premises shall have been put in proper condition for use by and at the expense of the said party of the first part; and the said party of the second part covenants to deliver up the said premises to the party of the first part at the determination of this lease, or at the end of any renewal of the term thereof, in good order and condition, reasonable wear and use thereof and injury by unavoidable fire or other casualty excepted.

And it is further stipulated that the party of the second part may, at or before the delivery of the premises aforesaid, remove such additions to or improvements of the same, placed on the premises by the said party of the second part, the removal of which, as aforesaid, will not injure the premises, as he, the said party of the second part, may elect so to do.

In witness whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

A. C. BRADLEY. [SEAL.]
JNO. A. J. CRESWELL, [SEAL.]
Postmaster-General.

Signed, sealed, and delivered in presence of—
T. A. SPENCE.
A. G. MILLS.

C.

Letter of C. Cochran, jr., relative to amounts due to special agents.

POST-OFFICE DEPARTMENT, OFFICE CHIEF OF DIVISION SPECIAL AGENTS AND MAIL DEPREDATIONS,
Washington, December 5, 1873.

SIR: I beg leave respectfully to represent that a balance of $2,101.87 is due to special agents of this Department for the month of June, 1872, the appropriation of $125,000 for the fiscal year ending June 30, 1872, having been exhausted before the accounts for that month were all brought in, and the Auditor for this Department did not feel authorized to pay the amount out of the appropriations for the following year, of which there was a balance left, viz, $1,916.98, almost enough to pay the amount required.

It is therefore desired that an appropriation for the amount above named, $2,101.87, be asked for to discharge the following obligations of

the Department to the several special agents named for services actually rendered and unpaid for the month of June, 1872, viz:

J. B. Underwood	$365 5
J. H. Wickizer	237 8
William Maxwell	248 6
J. T. Williams	240 9
W. H. Parker	233 3
J. B. Furay	305 2
C. B. Gould	221 8
J. T. Callahan	248 3
	2,101 8

While the Department makes its estimates as nearly as possible fo its necessary requirements, there will occasionally be a deficiency or surplus, as in the years ending June 30, 1872, and June 30, 1873.

Very respectfully, your obedient servant,

C. COCHRAN, JR.,
Chief of Division.

Hon. J. A. J. CRESWELL,
Postmaster-General.

C

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 43.

COLLISIONS AT SEA.

MEMORIAL

OF THE

CHAMBER OF COMMERCE OF NEW YORK

ON THE

Subject of collisions at sea. Dated December 17, 1873.

DECEMBER 18, 1873.—Referred to the Committee on Commerce and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

May it please your honorable bodies, the Chamber of Commerce of the State of New York, alarmed by the increasing frequency of collisions at sea, upon the now thickly-covered ocean-track between the American and European continents, and fully believing that this terrible danger (which the late sinking of the "Ville du Havre" in mid-ocean, has brought into strong light) can only be diminished by some uniform legislation of the great maritime powers, respectfully prays that your honorable bodies will take early measures to secure the establishment of an international commission to consider this grave subject in all its bearings.

The table annexed presents a comprehensive estimate of the loss of life and property, from collisions alone, for the past six years. It is not possible, except by long and difficult research, to arrive at positive accuracy. Still, enough is shown to prove the need of some general legislation.

It is not the purpose of your memorialists to propose to Congress any definite plan by which such perils may be wholly avoided. A total avoidance is, in the nature of things, impossible; but it is self-evident that an establishment of inward and outward ocean-tracks for winter and summer passages, within defined limits of latitude and longitude, and with sufficient penalties upon vessels and owners for non-compliance, will greatly diminish the dangers from collision, which are daily increasing with the rapid increase of ocean travel.

The directors of the Cunard line, since the 21st May of the present year, have laid down courses for their steamers for the outward and homeward passages, specifying the latitudes at which the meridian of 50° must be crossed.

This is a fair beginning in the right direction, but is not sufficient for general courses for all vessels. Wide and well-defined tracks should be laid down, the true limits of which, in the opinion of your memoralists, can be best determined by an international commission, before which owners of vessels, ship-masters, and scientific observers may be heard, to the end that, by thorough conference, a cordial consent may be had in the resulting legislation.

And, for the establishment of such commission, your memoralists will ever pray.

Dated New York, December 17, 1873.

[SEAL.]

WM. E. DODGE,
President.

GEORGE WILSON,
Secretary.

TABLE REFERRED TO IN FOREGOING MEMORIAL.

Date.	Vessels.	Damage.	Loss of life.
1867.			
Mar. 28	City of Antwerp—Ship Frederick	Loss of vessel	
May 4	Manhattan—Agenoria	Damaged	
July 10	Nebraska—Fishing-smack	Loss of vessel	5 lives.
Aug. 15	City of Boston—Schooner Fayal	do	
Sept. 5	Helvetia—Prince Arthur	do	
1868.			
May 11	Australasian—Earl of Arran		6 lives.
Sept. 24	Hibernia—Britannia	Damaged	
1869.			
Jan. 12	China—Pilot-boat No. 9	do	
Oct. 15	Denmark—Arthur White	Abandoned	
Nov. 28	Nebraska—European	Damaged	
Dec. 1	Scotia—Pilot-boat A. T. Stewart	Loss of boat	
1870.			
Feb. 4	Europa—Heaton Hall	Loss of vessel	
April 30	Helvetia—Edward Weart	Damaged	
June 27	City of Brooklyn—Bark Geyser	Loss of vessel	
Aug. 26	Calabria—Torpedo	Damaged	
Dec. 23	Lancaster—Bertha	do	
1871.			
Jan. 4	Anglia—Antilles	Loss of vessel	
Jan. 25	Mexican—W. S. Pike	Damaged	
Feb. 3	Caledonia—Europa	do	
March 2	Wyoming—Morocco	do	
March 9	Parthia—Bessy Crossley	do	
March 10	Caledonia—Sarah Douglass	do	
April 11	Nevada—Fanny	do	
May 1	Aleppo—Merrimac	Vessel sunk in fog	
May 22	Paraguay—Dungeness	Damaged	
April 4	Hansa—Rhea	Vessel sunk	8 lives.
April 4	Wisconsin—Columbus	Damaged	
July 21	Baltimore—A. M. Edwards	do	
July 31	Wisconsin—Princess Alice	do	
Aug. —	Java—Anita	Vessel sunk	10 lives.
Nov. 16	City of Brooklyn—Ida	do	1 life.
1872.			
Feb. 7	Colorado—Arabian	do	8 lives.
Feb. 28	Parthia—Two Spanish steamers	do	1 life.
May 28	Russia—Lady Arabella	Damaged	
June 10	City of London—N. B. Starbuck	do	
July 18	Manhattan—Washington	do	
Aug. 28	Walter—Village Belle	Vessel sunk	
Sept. 6	Arragon—Arch Druid	Damaged	
Sept. 21	Australia—Schooner	do	
Sept. 28	Niobe—Yokohama	Vessel sunk	
Oct. 18	Nuara—Parthia	Damaged	
1873.			
Jan. 1	Abyssinia—Fairy Queen	do	
June 15	Berlin—Asiatic	do	
Nov. 22	Ville du Havre—Loch Earn	Loss	226 lives.

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 44.

CIVIL RIGHTS.

MEMORIAL

OF

NATIONAL CONVENTION OF COLORED PERSONS,

PRAYING

To be protected in their civil rights.

DECEMBER 18, 1873.—Referred to the Committee on the Judiciary, and ordered to be printed.

NATIONAL CIVIL RIGHTS CONVENTION,
Washington, D. C., December, 1873.

Honorable Senate and House of Representatives in Congress assembled:

We regret the necessity which compels us to again come before you and say "we are aggrieved." We are authorized to say to those in authority, to Congress, to the people whom it represents, that there are nearly five millions of American citizens who are shamefully outraged; who are thus treated without cause. The recognitions made within a few years respecting in part our rights, make us more sensitive as to the denials of the rest.

Late declarations recognizing our entitlement to all of our rights, with essential ones withheld, render the grievances even more intolerable. Our grievances are many; our inconveniences through the denial of rights are great; but we shall refer only to those that may be effected through the action of Congress, by statutes forbidding them under penalties. We shall take it for granted that action will be had by Congress, protecting us from invidious distinctions in the enjoyment of common carriers, hotels and other public places of convenience, and refreshment in public places of amusement, and in enjoying other civil rights; but there are indications that there may be some objection made to Federal action against discrimination as to race and color in the management of public instruction, and in empanelling juries, the objections alleging that it is unconstitutional for Congress to legislate to effect these cases. We propose to notice these objections briefly. They come from lawyers, who, like men in other callings, have their thoughts circumscribed by their training and habits of reflection. We do not feel bound, in a matter involving rights, to be circumscribed thereby. Language should be used, whenever it may without outraging it, to best subserve

equity and justice. A decision of the supreme judiciary is binding and irrevocable, as affecting the particular case adjudicated, but is to be regarded only as a light which may be used, nay, should be, in any other case before that judiciary, to assist in finding a proper solution of the case. It has no imperative binding force upon any subsequent case.

The force of recorded decisions as to the powers of Congress is somewhat impaired, because they were rendered under a bias or influence differing from the present.

The interest of slavery, a State institution, was so great and overshadowing as to subjugate church as well as state, morality as well as the laws of the land; decisions were rendered in its interests; it was ever keen, active, resolute, extremely suspicious. The State-Rights theory, one essential to slavery, was persistently urged. How it was adhered to may be seen in its producing the late rebellion, its grave-yard. Therefore the leanings of legal minds through decisions and opinions made popular by this State-Rights theory, must not be permitted to have the controlling sway some lawyers are disposed to give them; hence we are emboldened to take exceptions to the theory that Congress may not interpose except in the United States courts to secure unto a citizen an impartial jury. We affirm there is no prohibitory clause of the Constitution denying this right. On the other hand, we affirm that it ranges itself among the powers delegated to Congress, at least by implication; that it is a power inherent in the Government from its character, one supported by the principles of common law. It is in maintenance of a national right. We are at a loss to find the part of the Constitution which admits Congress to go as far as it has gone in protecting the civil rights of citizens in the several States, assented to by objecting Senators, but which forbids its going far enough to effectually protect the civil rights of a citizen wherever the stars and stripes have sway.

If Congress may throw the protecting arm of the law around any citizen of the United States, in every State, so as to forbid any denial or discrimination in hotels and public conveyances on account of race and color, it certainly may do so in protecting him from invidious rules impairing the right of property; it may say the common school, paid for and owned by all citizens in common, shall not be made to serve to the degradation and humiliation of any class thereof; that a branch of the Government maintained to train the child as to his proper relation to his Government and his fellow-citizens, must not therein be trained in opposition to the Government's fundamental principles. The reasonableness of this view is most apparent when it is considered that the State taxes in common to educate, and when it assumes to educate, it must be under certain defined and admitted principles, one of which is that there shall not be a privileged class; that citizens are to be educated with the idea that we are a nation, one of many, with a common identity and interest; that all are equal before the law; that citizens are called on, regardless of race or color, to bear the duties and responsibilities of citizenship; they must ignore any invidious distinction; the States must not foster distinctions based on race and color.

A distinction must be made between the private school maintained at the private expense of individuals, and those of public schools maintained by moneys taken from the pockets of all; let private schools be maintained by parties willing to pay for them; but let the public or common school be opened for all, and if the associations therein be not altogether agreeable, set it down to the character of our Government and institutions, and avoid the disagreeable fact, not by outraging the rights of others, but by paying for a private school. This view is independ-

ent of the fact that the Constitution says that no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, and that no State shall deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law; and that Congress shall have power to enforce the same by appropriate legislation.

It is an abridgment of the privileges of a citizen to say he shall not, because of his race or color, elect as to the common school he shall attend, subject, of course, to such general regulations as are not invidious in their character, and are made to apply alike to all citizens. It is depriving the citizen of his property to say he shall not enjoy, unless under humiliating conditions, the right of ownership, in common, of the public schools, he owning and maintaining them in common, but denied the common use. This, then, is the conclusion: the citizen is entitled to whatever belongs to him, and is not bound to accept an equivalent. It is not an equal protection of the laws to keep a person from the full enjoyment of his property, or to force him to accept what a party may regard as an equivalent.

This same argument applies to constituting of juries, and we shall apply it in considering whether Congress has the right to secure to any citizen the benefit of an impartial jury of his peers.

Article 1st, section 8th, of the Constitution, says: "Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the Government of the United States." The Constitution further says: "The Constitution, and the laws of the United States which shall be made in pursuance thereof, are the supreme law of the land, and the judges in every State shall be bound thereby." The Constitution, by implication as well as by direct words, affirms an impartial jury to be a constitutional right, of course to be maintained as such, to be a supreme law of the land, anything in the constitution and laws of any State to the contrary notwithstanding; which amounts to a prohibition on a State from refusing an impartial jury. From all of which it is evident, as well as from the binding force of the common law in securing an impartial jury, that Congress has power to protect, by law, the citizen in this great national and common right under civilized government.

The fact that Federal legislation has been had and acquiesced in, and judicial decisions have enforced the same, establishing the theory that the National Government may interpose and regulate the judiciary of the States, restraining them from proscribing citizens because of their race or color; as, for instance, actions had under the present existing civil rights laws, which regulate the receiving of testimony in the several States, show that the power exists to protect us from the injustice of which we complain. Senator Thurman has said, on the Senate floor: "If a State violated one of the prohibitions imposed upon it by the Constitution, it was competent for Congress to afford a remedy." It consequently ranges itself among the powers delegated to the United States, and if Senators see their way clear to pass a bill protecting citizens from denial and proscription in enjoying common carriers and hotels, public places of convenience and refreshment, amusement, and the like, it may protect us in our common school and jury rights. This view is indorsed by the republican party, and this is their platform on which our worthy President was elected: "Complete liberty and exact equality in the enjoyment of all civil, political, and public rights should

be established and effectually maintained throughout the Union by efficient and appropriate State and Federal legislation."

It is not complete liberty and exact equality to be compelled to go to a proscribed school; to be tried by a jury from which every individual of the class to which the party tried belongs is excluded because he is of that class. The republican party, now in power, said there should be efficient and appropriate State and Federal legislation against the same. It is quite significant that the opponents of the republicans in the presidential canvass went into it with a platform which, as to civil rights, was not opposed to this position of the republicans; and in all subsequent elections, in which the democrats have alluded to everything they could think of to represent the republican party in the most odious light, referring to Credit Mobilier, back pay, and other things, they did not think it would be politic and effectual in arousing indignation against the party to make the platform of the party as to civil rights, committing it to Federal action, a subject of condemnation.

In making this appeal, we confidently expect at the hands of our own party a favorable response, which expectation is increased by manifestations exhibited by parties who have hitherto bitterly opposed us. May we not beseech such to fully fraternize with our friends?

Very respectfully, your memorialist, &c.,

GEO. T. DOWNING,
Acting President.

Vice-Presidents—Arkansas, J. R. Rowlands; Alabama, R. W. Wheeler; California, B. Cambell; Connecticut, B. R. Cond; Delaware, J. Myers; Florida, P. W. Bayard; Illinois, D. B. White; Indiana, H. G. Parker; Kansas, Allen Williams; Kentucky, N. R. Hooper; Louisiana, James Davis; Massachusetts, R. S. Brown; Maryland, J. Myers; Maine, C. W. Marskel; Virginia, J. B. Syphax; Missouri, Moses Dickson; Mississippi, William Gray; North Carolina, G. M. Mobson; New York, W. F. Butler; New Jersey, J. W. Stevenson; Georgia, W. Simmons; Oregon, D. Jones; Ohio, B. K. Sampson; Pennsylvania, W. D. Fortue; South Carolina, W. R. Jansey; Texas, G. T. Ruby; Tennessee, A. Smith; District of Columbia, J. S. Martin; Michigan, W. B. Clark; Rhode Island, Geo. T. Downing; Utah, J. C. Mortimer.

Secretaries—James M. Trotten, Wm. H. Counsil, C. W. Bell, A. M. Green, J. T. Needham.

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43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 45.

INDIANS IN MICHIGAN AND INDIANA.

MEMORIAL

OF

CERTAIN INDIANS

RESIDING IN

Michigan and Indiana, for relief.

DECEMBER 18, 1873.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists are that portion of the Pottawatomie Nation of Indians now residing in Cass, Van Buren and Berrien Counties in the State of Michigan, and Saint Joseph County in the State of Indiana, and by their duly constituted business committee and attorney in these premises would most respectfully represent:

That they are parties to various treaties by them and the Government of the United States, duly made and confirmed. (See exhibit in Mis. Doc. No. 32, 3d sess. 41 Cong., pages 1 and 15; Mis. Doc. No. 137, 2 sess. 42 Cong., pages 4 and 5; Report, No. 121, 2 sess. 42 Cong., page 2 hereof.

That by the provisions of said treaties your memorialists were to receive large sums of money from said Government to them in annuities to be paid, in consideration of vast tracts of land therein the said treaties by them to said Government ceded and sold. (See report of Hon. S. S. Burdett, 42d Cong., page 7 hereof; report No. 19, 1st sess. 38th Cong.; Ex. Doc. No. 19, 3d sess. 37th Cong., (vol. 4, &c.)

That said Government has not in all things faithfully maintained and performed its covenants as in the treaties aforesaid so solemnly made, in that the said Government has failed and refused to pay your memorialists their just proportion of the aforesaid moneys.

That there now remains due and unpaid to your memorialists, upon the provisions of the aforesaid treaties, in consideration of the lands by your memorialists therein sold and ceded to said Government, said lands now by said Government and its grantees from your memorialists held and owned, the sum of $155,447.83. (See report No. 121, U. S. S., 2d sess. 42d Cong., page 6 hereof; report of the Commissioner of Indian affairs, page 7 hereof; report of the Secretary of the Interior, page 7 hereof; report of Hon. S. S. Burdett, 42d Cong., page 12 hereof.)

That the aforesaid treaties have, at all times, been faithfully maintained by your memorialists. That your memorialists have ever been the friends of the pioneer settlers and the Government, and have fought for the same in all the wars since 1795. That there is no just or equitable reason why the said sum should not now be paid to them. That they are an intelligent, industrious, prudent, and religious people, maintaining schools and churches. That they are in great need of their moneys to better enable them to meet the demands of the civilization in which they live and properly value. That they are now poor and weak, and unable to command a proper recognition of their rights at the hands of your honorable bodies, but that they rely confidently upon the plighted faith of their great and Christian guardian and Government, with an anxious faith, believing that your honorable bodies will, by proper legislation in the passage of the accompanying bill, duly provide for the payment of that sum to your memorialists, which the accounting and examining officers, and proper departments of the Government establish, maintain, and declare to be justly and equitable due them.

Your memorialists would finally represent that they memorialized the Forty-first and Forty-second Congress in these premises, being "Mis. Doc. No. 32, 3d sess. 41st Congress," and "Mis. Doc. No. 137, 2d sess. 42d Congress," to which they now most respectfully refer. That in lieu of a lengthy memorial in this instance, which otherwise the merits of the cause would demand, your memorialists herewith present the reports of the Hon. W. A. Buckingham, United States Senate, and the Hon. S. S. Burdett, House of Representatives, Forty-second Congress, before whom the cause was directly pending for a period of nearly three years, and whose reports are the result of the most exhaustive and patient painstaking research which the premises of the case presents. Also, the several important letters of the Hon. Commissioner of Indian Affairs, and the Hon. Secretary of the Interior, by all of whom this present cause has received the most impartial and critical examination, second to none of which was the patient, impartial and exhaustive labors of the distinguished Senator whose report is here presented.

[Senate report No. 121, Forty-second Congress, second session.]

Mr. BUCKINGHAM made the following report, (to accompany bill S. 944:)

The Committee on Indian Affairs, to whom was referred the petition of the Pottawatomie Indians remaining in Michigan and Indiana for the payment of annuities due them, submit the following report:

In the year 1795, and at various times, the Government of the United States has made treaties with the Ottawa, Chippewa, and Pottawatomie Indians, in which they were formally recognized as distinct nations uniting in the same treaties, but recently they have been known as the United Nation of Pottawatomies, and since 1846 as the Pottawatomie Nation.

By the provisions of the several treaties the Indians ceded lands to the Government, and the Government paid for the same in other lands, in money, and in goods, and pledged annuities—some for a short, and some for a long period.

On the 26th of September, 1833, a treaty was made by which the nation ceded to the United States about 5,000,000 acres of land lying on the western shore of Lake Michigan, for which the Government gave and pledged a satisfactory consideration. A part of the nation did not at the time agree to the treaty, but the next day, being the 27th day of September, 1833, those who had declined and were known as the chiefs and head-men of said united nation of Indians, residing upon their reservations of land lying in the Territory of Michigan, south of Grand River, entered into a treaty supplementary to that which had been executed the previous day, by which they became parties to the main treaty upon terms specified in the supplementary treaty; one of which permitted them to remove to Northern

Michigan, and declared that in case of removal they should be entitled to share in all annuities payable under former treaties.

The Commissioner of Indian Affairs, in a letter addressed to the Secretary of the Interior, dated November 15, 1862, said that the main tribe moved to their new homes west of the Mississippi, and the Catholic party of the northern portion of Michigan. This is evidence that they complied with the condition upon which they were to share in the annuities due the nation. The nation was permitted to remain on the lands they ceded to the Government, until 1836, and received all their annuities there, of which these bands undoubtedly received their portion. After the removal of the nation, the Government made repeated appropriations, and paid many of the annuities to the Pottawatomie Nation west of the Mississippi, while the bands in Michigan received no part of the same.

The Commissioner of Indian Affairs in 1843 recognized their claim to a portion of annuities granted to the nation under the treaties of July 20, 1829, and September 27, 1833, and paid the sum of $1,587.50 annually as their portion of the same from 1843 until and including the year 1865. The Commissioner undoubtedly overlooked annuities pledged in other treaties which are evidently as obligatory as those under which he paid.

An act of Congress, approved March 2, 1861, directed the Secretary of the Interior to examine and report to Congress what amount, if any, was then due to the Chippewa, Ottawa, and Pottawatomie Indians residing in Michigan, under and by virtue of the treaties of July 29, 1829, September 26, 1833, and the articles supplementary thereto, and under the treaty of the 5th and 19th of June, 1846, with the Pottawatomie Nation of Indians, and also to report whether there is any money or property heretofore payable to said Pottawatomie Nation made, under and by virtue of the treaty of October 26, 1832, and other treaties, which has not been appropriated and paid; and, if any, what amount.

In compliance with the requirements of that act, the Secretary reported under date of December 19, 1862, that, based upon the construction given by the Indian-Office to the several treaties, there was due the Pottawatomie Nation $160,540.48 in cash, beside tobacco, iron, steel, and salt, and that he had no reasons to doubt the statement or the construction given by the Commissioner to the treaties.

He also says that no payments were made the Michigan band under the provisions of the treaty of the 37th of September, until 1843, and adds, "that the band which by the supplementary treaty was permitted to remain in Michigan must be regarded as a part of the Pottawatomie Nation. They are entitled to receive *per capita* their proportion of the annuities and other payments provided for in the several treaties with the nation, to the same extent they would have been if they had gone west with the tribe." "To determine the amount due them it is necessary to ascertain the number in Kansas at the date of the several payments, and the number of those of the band who were by the supplementary treaty permitted to remain in Michigan, and of their descendants at the same period."

The Secretary transmits a report of the Commissioner of Indian Affairs, in which that officer states, that from the pay-rolls it appears that the Indians residing in Michigan participated in the benefits of nearly all the treaties from 1795 to the time of their separation in 1836.

Upon this basis he shows a balance of $73,112.50 due the bands residing in Michigan, by virtue of the provisions of the supplementary treaty.

He also makes a second statement, in which he shows that if the bands are entitled "to participate in all the provisions contained in the treaty of September 26, 1833," (as may be claimed if we look only to the language quoted from the supplementary treaty of September 27, 1863,) "they are entitled to $49,217.50 from former cash annuities, and to $16,685 for interest received on money invested in stocks, for educational, agricultural, and other purposes, and to $23,407.50 for interest due on a fund of $643,000, the avails of a sale of land in Iowa, made under the treaty of June, 1846," making the sum $99,310, besides an interest remaining in the fund.

In looking at the circumstances of the main nation, and of the Michigan band, and the object which each desired to accomplish, it is evident to your committee that, by the treaty of September 26, 1833, the main nation ceded to the United States all their interest in lands in Illinois and Michigan, for which they agreed to receive $500,000, to be applied for different purposes—an annuity of $14,000 per year for twenty years, and 5,000,000 acres of land west of the Mississippi River, and to remove to the same within three years; also, that the Michigan bands, by the supplementary treaty, ceded to the United States all their interest in lands described in the main treaty, together with certain sections of land which had been reserved to them by former treaties, for which they were paid a consideration separate from that paid to the nation.

After the supplementary treaty had been executed another provision was annexed, as follows: "As since the signing of the treaty a part of the band residing on the reservations in the Territory of Michigan have requested, on account of their religious creed, permission to remove to the northern part of the peninsula of Michigan, it is agreed that in case of such removal the just proportion of all annuities payable to them under former treaties, and that arising from the sale of the reservation on which they now reside, shall be paid them at L'arbre Croche."

This provision was evidently a relinquishment of all claims "to participate in the provisions" of the main treaty of September 26, and gave the bands a right only to a portion of annuities under former treaties, and to the consideration then pledged for their reservations.

Your committee are therefore of the opinion that both the nation and the Michigan band executed the treaties of the 26th and 27th of September, 1833, for the purpose of making a complete separation of all pecuniary interests, except in annuities, due the nation under former treaties, that each party might go their own way, one west of the Mississippi and the other to Northern Michigan.

If this is a correct construction of the treaty and its supplement, it is evident that the Indians of Michigan have no claim to annuities arising under the main treaty of September 26, 1833, nor to any portion of the consideration paid for lands then ceded, nor to the proceeds arising from the sale of land lying west of the Mississippi. This construction is also a bar to the claim which the memorialists now make for payment of the lands alienated by the first section of the supplemental treaty. The $100,000 was the consideration given for that land.

In examining the several treaties the committee find that, by the one of June 7, 1803, the United States engaged to deliver yearly, and every year, a quantity of salt not exceeding 150 bushels.

By the treaty of October 26, 1826, the United States stipulated to provide for the support of a blacksmith at some convenient point, to appropriate, for the purpose of education, the annual sum of $2,000, so long as Congress might think proper, to build a mill at Tippecanoe River, to support a miller, and to pay annually 160 bushels of salt; all of which therein specified were to have been paid by the Indian agent at Fort Wayne.

By the treaty of September 20, 1828, the United States agreed to furnish the Pottawatomie tribe annually with a specified amount of tobacco, iron, and steel, with a blacksmith for 15 years, with 3 laborers for a part of each year for ten years, and to appropriate $1,000 annually, to be applied for the purposes of education, so long as Congress should think the appropriation would be useful.

Other treaties have similar provisions.

Others reserved sections and tracts of lands for particular persons and bands which have since been ceded to the United States, and the conideration paid to the parties for whom they were reserved.

In the judgment of your committee the memorialists are not entitled to any part of the payments made for lands so reserved, nor for any annuities paid to chiefs and other individuals, nor are they entitled to any anuuities for educational purposes which are restricted to the pleasure of Congress, nor to any which were pledged for the establishment of blacksmith-shops, for iron and steel, for mills, millers, and laborers. These were for local objects in which each individual might receive benefit only as he should resort to such localities, and participate in them in common with the entire nation.

But when, as in one instance, another treaty was afterward ratified, by which the Government agreed to pay a specified annuity in money instead of performing the stipulations referred to above, such annuity being made susceptible of subdivision and distribution, gave your memorialists a title to their just proportion.

The annuity of $1,587.50 paid the Michigan Indians from 1813 to 1865, was regarded by the commissioners as their just proportion of an annuity of $16,000 pledged by the treaty of 1829, and of the $2,000 made payable annually by the supplementary treaties of September 27, 1833; whereas, in the judgment of your committee, as expressed in their construction of this and the several treaties, they are entitled to the entire annuity of $2,000.

On the 28th of July, 1866, Congress passed an act directing the Secretary of the Interior "to pay the Chippewa, Ottawa, and Pottawatomie Indians of Michigan, in pursuance of an agreement and compromise made with the Pottawatomie Nation, so named and designated in the treaty of 1846 with the United States, the sum of $39,000, in full of all claims in favor of said Michigan Indians, either against the United States or said nations of Indians, present, past, or future, arising out of any treaty made with them, or any band or confederation thereof, and the annuity now paid them is to be restored and paid to said nation for the future."

On examination it does not appear that the Michigan Indians were parties to that treaty, or that the treaty had any reference to them; and it is difficult for your committee to see how two interested parties can justly unite and deprive a third party of interests to which he is entitled by previous treaties which they have entered into with him. Nor do they understand how, in accordance with the principles of law or justice, the Government can determine that a partial fulfillment of treaty stipulations shall bar those with whom the treaties have been made, from claiming the amount stipulated. There is evidence that the Michigan Indians received this appropriation under a protest, and claimed that it did not discharge the Government from all pecuniary obligations to them; to which conclusion the committee have also arrived.

The committee believe that all annuities have been paid up to and including the year 1835, and they determine the amount which has become due since that year, and apportion it to

the memorialists and to the nation in proportion to their numbers at each semi-decade. They have, however, made no distinction between the value of annuities payable in silver and those payable in currency.

The number which makes up the nation west of the Mississippi is determined by the receipt-rolls on file in the Second Auditor's office of the Treasury Department, and the number which make up the Michigan Indians is determined by like rolls for the years 1843 to 1866 inclusive.

Previous to 1843 Government officers recognized their number as being 250, and by affidavits it is shown that a census was taken in 1871 which makes their number 233.

Affidavits show that in 1841 twenty-three of the Michigan band removed to Indiana, and that their number increased to eighty-nine in 1871. No allowance is made for any residing in that State prior to 1841, and as there has evidently been a gradual increase in their numbers since that date, the increase has been apportioned to each semi-decade.

The following exhibit is made in accordance with the construction given to all treaties as herein set forth, and shows the amount due the memorialists:

Treaty.	Annual amount.	Time.	Amount due in 1836.	Amount due first semi-decade, to 1841.		Amount due second semi-decade, to 1846.		Amount due third semi-decade, to 1851.	
				Yrs.		*Yrs.*		*Yrs.*	
Aug. 5, 1795	$1,000	Perpetual ...	$1,000	5	$5,000	5	$5,000	5	$5,000
Sept. 30, 1809	500	....do..	500	5	2,500	5	2,500	5	2,500
Oct. 2, 1818	2,500	....do...	2,500	5	12,500	5	12,500	5	12,500
Aug. 29, 1821	5,000	20 years.....	5,000	5	25,000	Exp.	.....	.....	.....
Oct. 16, 1826	2,000	22 years.....	2,000	5	10,000	5	10,000	1	2,000
Sept. 20, 1828	2,000	Perpetual ...	2,000	5	10,000	5	10,000	5	10,000
Sept. 20, 1828	1,000	20 years.....	1,000	5	5,000	5	5,000	1	1,000
July 29, 1829	16,000	Perpetual ...	16,000	5	80,000	5	80,000	5	80,000
Oct. 20, 1832	15,000	20 years.....	15,000	5	75,000	1	15,000	Exp.	.....
Oct. 26, 1832	20,000	....do..	20,000	5	100,000	5	100,000	5	100,000
Oct. 27, 1832	15,000	12 years.....	15,000	5	75,000	2	30,000	.....	.....
June 17, 1846	300	Perpetual ...	.....	.....	.....	.....	.....	5	1,500
Total....	.....	.....	80,000	.....	400,000	.....	270,000	.....	214,500

Treaty.	Annual amount.	Time.	Amount due fourth semi-decade, to 1856.		Amount due fifth semi-decade, to 1861.		Amount due sixth semi-decade, to 1866.	Amount due seventh semi-decade, to 1871.	Amount due in 1872 for one year.
			Yrs.		*Yrs.*				
Aug. 5, 1795	$1,000	Perpetual ...	5	$5,000	5	$5,000	$5,000	$5,000	$1,000
Sept. 30, 1809	500	....do.... ...	5	2,500	5	2,500	2,500	2,500	500
Oct. 2, 1818	2,500	....do..	5	12,500	5	12,500	12,500	12,500	2,500
Aug. 29, 1821	5,000	20 years.....	.....	.....	.....	.....	.....	.....	.....
Oct. 16, 1826	2,000	22 years.....	.....	.....	.....	.....	.....	.....	.....
Sept. 20, 1828	2,000	Perpetual ...	5	10,000	5	10,000	10,000	10,000	2,000
Sept. 20, 1828	1,000	20 years.....	.....	.....	.....	.....	.....	.....	.....
July 29, 1829	16,000	Perpetual ...	5	80,000	5	80,000	80,000	80,000	1,600
Oct. 20, 1832	15,000	20 years.....	.....	.....	.....	.....	.....	.....	.....
Oct. 26, 1832	20,000	....do.... ...	5	.....	.....	.....	.....	.....	.....
Oct. 27, 1832	15,000	12 years.....	.....	.....	.....	.....	.....	.....	.....
June 17, 1846	300	Perpetual ...	5	1,500	5	1,500	1,500	1,500	300
Total....	.....	.....	.....	111,500	.....	111,500	111,500	111,500	22,300

Years.	Indians west of the Mississippi.	Indians in Michigan and Indiana.	Total number of Indians.	Amount due the nation.	Per capita.	Amount due the bands.
1836	3,840	250	4,090	$80,000 00	$19 56	$4,890 00
1841	3,390	273	3,663	400,000 00	109 20	29,811 60
1846	2,231	269	2,500	270,000 00	108 00	29,052 [illegible]
1851	3,914	287	4,201	214,500 00	51 05	14,651 35
1856	3,181	281	3,462	111,500 00	32 20	9,049 [illegible]
1861	2,142	304	2,446	111,500 00	45 58	13,856 [illegible]
1866	2,202	317	2,519	111,500 00	44 26	14,030 [illegible]
1871	2,202	322	2,524	111,500 00	45 60	14,683 [illegible]
1872	2,202	322	2,524	22,330 00	8 83	2,844 [illegible]
						132,867 [illegible]
Add full annuity under treaty September 27, 1833, $2,000 for 19 years						38,000 00
						170,867 [illegible]
There were paid the memorialists from the year 1843 to 1863, inclusive, 21 years, $1,587.50 per annum					$33,337 50	
In 1864					1,287 50	
In 1865					1,587 50	
In 1866, in accordance with public act					3,900 00	
						75,102 50
Balance due memorialists						95,765 [illegible]
Annuity of $2,844.87 capitation, at 5 per cent. per annum, equals						56,897 50
Due to make final settlement						152,662 [illegible]

The above report having been adopted by the Committee on Indian Affairs of the Senate, and subsequent thereto, during the same sessions the following bill was passed by the Senate:

(S. 944.)

IN THE SENATE OF THE UNITED STATES, APRIL 9, 1872.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, submitted a report, (No. 121,) accompanied by the following bill; which was read and passed to a second reading:

A BILL to provide for the claims of the Pottawatomie Indians residing in Michigan and Indiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of one hundred and fifty-two thousand six hundred and two dollars and ninety-six cents, to the bands of Pottawatomie Indians residing in Michigan and Indiana, the sum being the amount of annuities due them to this date, under treaties with them and with the Pottawatomie Nation, as well as an amount equal to a capital that would yield annuities which are due them forever under existing treaties: *Provided*, That said Indians, being hereby recognized and declared to be citizens of the United States, shall express their willingness to accept such sums in full of all demands or claims arising out of any and all treaties and agreements heretofore made with said nation and bands in which said bands have an interest.

Pending the consideration of said bill by the Committee on Indian Affairs of the House of Representatives of the second session Forty-second Congress, the Hon. William L. Stoughton, House of Representatives, addressed to the Hon. Secretary of the Interior an inquiry, dated June 3, 1872, enclosing a copy of the above report and bill, stating that a greater portion of the Indians resided in his district, and requesting the recommendation of the department upon the report and bill, to which the honorable Secretary responded by the following letter and report:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 4, 1872.

SIR: I have the honor to herewith transmit for your information, and in reply to your letter of the 3d instant, in relation to report No. 121, United States Senate, accompanying a bill to provide for the claims of the Pottawatomie Indians, residing in Michigan and Indiana, a copy of a report of the Commissioner of Indian Affairs, to whom your letter was referred, wherein he expresses the opinion which is concurred in by this Department, that the Pottawatomies referred to are justly and equitably entitled to the amount allowed them by said bill.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

Hon. WM. L. STOUGHTON,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
Indian Office, Washington, D. C., June 3, 1872.

SIR: I have the honor to acknowledge the receipt, by informal reference from the Department, of a communication from Hon. William L. Stoughton, dated this day, inclosing a report submitted by Senator Buckingham, together with Senate bill No. 944, relative to certain Pottawatomie Indians residing in Michigan and Indiana, and requesting the opinion and recommendation of the Department in the matter.

The communication of Mr. Stoughton and enclosures having been submitted for the views of this office, I have the honor to state that I have examined Senator Buckingham's report and the treaties affecting the claims of said Indians, and am fully satisfied that the Pottawatomies referred to are justly and equitably entitled to the amount allowed them by said report and bill. The papers referred to are herewith returned.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

The following is the report of the Hon. Samuel S. Burdett, of the House of Representatives, during the Forty-first and Forty-second Congresses, who was a member of the Committee on Indian Affairs and chairman of the sub-committee, to which was referred the cause herein. Of the ability, integrity, experience, and energy which he brought to the impartial, critical, and yet patient examination of the case, it is unnecessary to here affirm, as they are well known and acknowledged. To each of the features of his report, which is here presented, your patient and impartial consideration is invited:

In order to more clearly understand the premises of this case, it may be profitable to briefly refer to some of the historical facts preceding the immediate origin of the case.

In 1795, and prior thereto, the Pottawatomie Indians, now so called, were the most numerous and powerful of our western frontier Indians, and occupied the greater portion of the territory now comprising the northwestern part of Ohio, the northern part of Indiana, the southwestern part of Michigan, the northeastern part of Illinois, and the southeastern part of Wisconsin.

From the first contact of these people with us, they have faithfully maintained the most friendly relations toward the Government and our frontier settlers in their midst, and early, gradually, and continuously fraternized with them and adopted the modes of civilized life, encouraged missions, schools, and agriculture, and, under General Cass, several thousand of them, at one time his entire force, marched under his command to the relief of the Detroit frontier from invasion by the Canadian Indians and British army.

In 1795, these people, by their friendly offices, effected such a feeling among the western Indians as to enable General Harrison to conclude the treaty of Greenville, which established a peace then of vast importance to the United States, and in which these Indians released to the Government their title to the greater portion of the territory of Ohio, and united these Indians to the interests of the United States.

This was the first important Indian treaty, and the Pottawatomies were the most numerous, powerful, and friendly of the Indians in attendance. At this treaty, the Ottawas and Chippewas residing within the general boundary of the Pottawatomies united with the Pottawatomies, and therefrom grew the "Ottawas, Chippewas, and Pottawatomies," as designated in subsequent treaties, now, and since the treaty of 1846, known as "Pottawatomies."

These historical facts are based upon Generals Harrison's and Cass's reports, and letters,

and the treaties. From 1795 to 1833, from time to time, as below shown, these people entered into many treaties with the United States. These treaties were simply treaties of purchase, in which by boundaries of rivers, &c., the United States purchased of them their general Indian title, and their specific reserves, for the frontier settlers of the country.

The following exhibit shows the reference and moneyed features of these several treaties of purchase, which, in the territory above mentioned, aggregate nearly 30,000,000 of acres of land, now second to no country in the nation.

Stipulations.	Volume 7.	Date of treaty.	Amount.	Proclamation.	Time to run.
Perpetual annuity	43	Aug. 3, 1795	$1,000	Dec. 2, 1795	Forever.
Salt	74	June 7, 1803	.....	Dec. 26, 1803	
Perpetual annuity	113	Sept. 30, 1809	500	Jan. 16, 1810	Forever.
Perpetual annuity	185	Oct. 2, 1818	2,500	Jan. 15, 1819	Forever.
Annuity	295	Aug. 29, 1821	2,006	March 25, 1822	Twenty-two years.
Annuity	295	Oct. 16, 1826	2,000	Feb. 7, 1827	Pleasure of President.
Blacksmith	295	..... do	.....	..... do	
Iron, steel, and miller	295	..... do	.....	..... do	
Salt, (160 bushels)	295	..... do	.....	..... do	
Perpetual annuity	317	Sept. 20, 1828	2,000	Jan. 7, 1829	Forever.
Annuity	317	..... do	1,000	..... do	Twenty years.
Tobacco, iron, and steel	317	..... do	.....	..... do	Annually.
Education	317	..... do	1,000	..... do	Pleasure of Congress.
To chief	317	..... do	100	..... do	Life of.
Blacksmith	317	..... do	.....	..... do	
Iron and steel	317	..... do	.....	..... do	
Annuity	378	Oct. 20, 1832	15,000	Jan. 21, 1833	Twenty years.
To chief	378	..... do	.....	..... do	Life of.
Annuity	394	Oct. 26, 1832	20,000	..... do	Twenty years.
Education	394	Oct. 27, 1832	2,000	..... do	Pleasure of Congress.
Perpetual annuity	320	July 29, 1829	16,000	Jan. 2, 1830	Forever.
Iron and steel	320	..... do	.....	..... do	Forever.
Blacksmith	320	..... do	.....	..... do	Forever.
Salt, (50 barrels)	320	..... do	.....	..... do	Forever.
Annuity	431	Sept. 26, 1833	14,000	Feb. 21, 1835	Twenty years.
Annuity	442	Sept. 27, 1833	2,000	..... do	Twenty years.
To chiefs	431	Sept. 26, 1833	1,100	..... do	Life of.
For 4 sections of land	498	March 29, 1836	2,560	June 4, 1836	One year.
For 36 sections of land	499	May 11, 1836	23,040	May 25, 1836	In one and two years.
For 10 sections of land	500	April 22, 1836	6,400	..... do	One year.
For 3 sections of land	501	..... do	1,920	..... do	One year.
For 22 sections of land	505	Aug. 5, 1836	14,080	Feb. 18, 1837	In 1838.
For 10 sections of land	513	Sept. 20, 1836	8,000	..... do	In 1838.
For 4 sections of land	514	Sept. 22, 1836	3,200	..... do	In 1838.
For 42 sections of land	515	Sept. 23, 1836	33,000	..... do	In 1838.
Annuity	218	Aug. 29, 1821	5,000	Mar. 25, 1822	Twenty years.
Three laborers	317	Sept. 20, 1828	.....	Jan. 7, 1829	Ten years.
Annuity	399	Oct. 27, 1832	15,000	Jan. 21, 1833	Twelve years.
Annuity	467	Dec. 10, 1834	1,000	March 16, 1835	Two years.
Trust-fund, &c	.....	June 5 and 17, 1846.	850,000	.....	
Trust-fund, interest annually	.....	June 5 and 17, 1846.	32,150	.....	

(By treaty, June 5 and 17, 1846, the 5,000,000 tract in Iowa was purchased by the United States, a trust fund of $643,000 created, with an interest annuity of $32,150 annually, and other funds and lands granted to the Indians in Kansas.)

About 1830 the Government adopted the policy of extinguishing, by purchase, all Indian title to lands east of the Mississippi River.

These annuitants, then numbering some 250, had made such progress in civilization, by the aid of their missionaries, schools, and the adoption of the modes of civil life, that they were resolved not to go west or release their Government reserve title to their reserves in Michigan and Indiana, then amounting, as shown in the treaty of September 27, 1833, to (104,960 acres,) 164 sections.

By the treaty, September 26, 1833, the Indians who finally went to Kansas ceded to the United States their title to the remaining tribal lands, as estimated in the treaty, of 5,000,000 acres, and agreed to go west, receiving therefor 5,000,000 acres on the Missouri, in the (now) State of Iowa, and some $850,000 in annuities, trust funds, school-funds, and other moneyed provisions.

This treaty was completed on 26th September, 1833. These annuitants, (the memorialists,) refused to, and did not join in it or accept its provisions.

But on the following day they entered into a treaty called "articles supplementary" to the treaty of the 26th. The following extracts from this treaty exhibits all of importance in this case:

"Articles supplementary to the treaty made at Chicago, in the State of Illinois, on the 26th day of September, 1833, between George B. Porter, Thomas J. V. Owen, and William Weatherford, commissioners on the part of the United States, of the one part, and the united nation of Chippewa, Ottawa, and Pottawatomie Indians, concluded at the same place on the 27th day of September, 1833, between the said commissioners on the part of the United States, of the one part, and the chiefs and head-men of said united nation of Indians residing upon the reservations of land situated in the Territory of Michigan, south of Grand River, of the other part.

"ARTICLE 1. The said chiefs and head-men cede to the United States all their land situate in the Territory of Michigan, south of the Grand River, being the reservations at Notawasepe, of four miles square, contained in the third clause of the second article, treaty made at Chicago on the 29th day of August, 1821; and the 99 sections of land contained in the treaty made at St. Joseph on the 19th September, 1827; and also the tract of land on the St. Joseph River, opposite the town of Niles, and extending to the line of the State of Indiana, on which the villages of Topenebee and Pokagon are situated, supposed to contain about 49 sections

"ARTICLE 2. In consideration of the above cession it is hereby stipulated that the said chiefs and head-men, and their immediate tribes, shall be considered parties to the said treaty, to which this is supplementary, and be entitled to participate in all the provisions therein contained as a part of the united nation; and, further, there shall be paid by the United States the sum of one hundred thousand dollars, ($100,000,) to be applied as follows:

"The remainder of the article, in four clauses, awards $10,000 to satisfy those who asked for individual reserves; $25,000 to pay outside debts of the nation; $25,000 in goods; and $40,000 in $2,000 payments for twenty years.

"On behalf of the chiefs and head-men of the united nation of Indians who signed the treaty to which these articles are supplementary, we hereby, in evidence of our concurrence therein, become parties thereto.

"And as since the signing of the treaty a part of the band residing on the reservations in the Territory of Michigan have requested, on account of their religious creed, permission to remove to the northern part of Michigan, it is agreed that in case of such removal the just proportion of all annuities payable to them under former treaties, and that arising from the sale of the reservation on which they now reside, shall be paid to them at L'Arbre Croche."

The treaties of the 26th and 27th in substance simply provide: 1st, on the part of the main nation now in Kansas, that they were to remove west of the Mississippi within three years, on to this 5,000,000 tract, receive the entire benefits of all the moneyed benefits of their release of their Indian title to occupancy of the 5,000,000 tract about Chicago, and the $850,000, while these annuitants were to remain in Michigan, and receive their just proportion of all former annuities there, their rights to the same remaining unchanged and unimpaired, and the $100,000 mentioned in the treaty of September 27, in consideration of their tribal reserves (164 sections, 104,960 acres,) then ceded to the government, and their interest in common in the 5,000,000 about Chicago.

It appears from the records of the departments that the main nation then numbered 3,840, and these annuitants 250 souls.

These annuitants make no complaint of *laches* of the Government in these premises, prior to 1836. They confess the facts of having received their just proportion of all annuities, in full, up to that date, including the $60,000 in moneyed provisions, and one of the twenty installments of $2,000 under treaty 27th September, 1833.

The main nation was removed west, many of them by force of the military of the United States. These annuitants were exempted, and protected by the United States officers from such removal. They did, and do now remain there, and are doubtless as well civilized, christianized and industrious Indians as there are in the United States, being good and unobjectionable citizens in community.

As will be seen by Commissioner Crawford's letter accompanying the papers, they received no annuities until 1843, when an award of $1,587.56, out of one of the "former annuities" of July, 1829, which was then paid them. This payment was continued to them until 1865. They continually remonstrated that it was not their just proportion of all the annuities due them.

They pressed their case in the Department of the Interior and Congress, and in 1862 the Secretary of the Interior, in compliance with act of March, 1861, reported $192,850 due them. The Indian Committee reported unanimously in favor of the same, and the House passed a joint resolution awarding them that amount. (See reports accompanying the papers.)

But we must notice two errors in the same: 1st, the reports include the moneyed benefits resulting from an exchange, which the Kansas Indians and United States by treaties in 1846 made, resulting in $850,000 in money to the Indians, which clearly, under the language of the treaty of September 27, before cited, does not belong to these annuitants, although it might so seem in equity that it did, this being a subsequent treaty to September 26, 8331, not a former treaty.

This error greatly increases the award; and the second error was "*supposing*" the existence of 6,180 Indians, when in fact there were but 4,090. (See Secretary Delano's letters and

reports of 1865 and 1872.) Which error, to almost an exact amount, reduced their pr award; so that, in fact, the award of $192,850 was only some $1,250 in error in their fa at this date.

The Senate (see report of 1865,) corrected the first error, but failed to notice the sec which greatly reduced their just award. The Senate committee found $50,925 their dr arrears, and by its decision established these annuitants in their rights to the perpetual a ities, (the last limited annuity having expired in 1847;) and they now only ask that decision be applied to the settlement of this case upon the *corrected* data, as to the nur of Indians participants.

The decision of the said committee is in these words:

"While your committee agree with the committee of the other House that Commissi Crawford, by mistake, failed to carry out the principle adopted by him, by giving the fact, their just proportion of all annuities under former treaties, and under the supplem treaty of Chicago, and that it is just that such principle should now be applied, and they should now receive their just proportion of annuities under *all* the treaties in which had shared, as well as the annuities under the treaty of 1829, and supplemental trea 1833, they are at the same time decidedly of the opinion that the only just constructio be given to that supplementary article is that, in case they did not remove with the n west, they were entitled to share in the annuities *only*." (See p. 4, Rep. Com. No. Senate, 2d sess. 38th Congress.)

The following exhibit, taken from Governor Buckingham's report, (No. 121, U States Senate,) shows the annuities of treaties of a date *prior* to 26th September, These annuitants, under the language of the article permitting them to remain, are n tiled to the annuities of September 26, 1833, it not being a "former" treaty; the trea the 27th being styled "articles supplementary," &c., making it a *present* and not a *fo* treaty, of which the annuitants are entitled to their just per-capita proportion.

Treaty.	Annual amount.	Time.	Amount due in 1836.	Amount due first semi-decade, to 1841.		Amount due sec- ond semi-decade, to 1846.		Amount due third semi-decade, to 1851
				Yrs.		Yrs.		Yrs.
Aug. 5, 1795	$1,000	Perpetual...	$1,000	5	$5,000	5	$5,000	5
Sept. 30, 1809	500	.... do.....	500	5	2,500	5	2,500	5
Oct. 2, 1818	2,500	.... do.....	2,500	5	12,500	5	12,500	5
Aug. 29, 1821	5,000	20 years.....	5,000	5	25,000	Exp.	.....	.....
Oct. 16, 1826	2,000	22 years.....	2,000	5	10,000	5	10,000	1
Sept. 20, 1828	2,000	Perpetual...	2,000	5	10,000	5	10,000	5
Sept. 20, 1828	1,000	20 years.....	1,000	5	5,000	5	5,000	1
July 29, 1829	16,000	Perpetual...	16,000	5	80,000	5	80,000	5
Oct. 20, 1832	15,000	20 years.....	15,000	5	75,000	1	15,000	Exp.
Oct. 26, 1832	20,000	.... do.....	20,000	5	100,000	5	100,000	5
Oct. 27, 1832	15,000	12 years.....	15,000	5	75,000	2	30,000	.....
June 17, 1846	300	Perpetual...	.....	.....	.....	.....	.....	5
Total	.....	.....	80,000	.....	400,000	.....	270,000	.....

Treaty.	Annual amount.	Time.	Amount due fourth semi-decade, to 1856.		Amount due fifth semi-decade, to 1861.		Due sixth semi-decade, to 1866.	Due seventh semi-decade, to 1871.	Due in 1872, for one
			Yrs.		Yrs.				
Aug. 5, 1795	$1,000	Perpetual...	5	$5,000	5	$5,000	$5,000	$5,000	$
Sept. 30, 1809	500	.... do.....	5	2,500	5	2,500	2,500	2,500	
Oct. 2, 1818	2,500	.... do.....	5	12,500	5	12,500	12,500	12,500	1
Aug. 29, 1821	5,000	20 years.....	.....	.....	.....	.....	.....	.....	.....
Oct. 16, 1826	2,000	22 years	.....	.....	.....	.....	.....	.....	.....
Sept. 20, 1828	2,000	Perpetual...	5	10,000	5	10,000	10,000	10,000	2
Sept. 20, 1828	1,000	20 years.....	.....	.....	.....	.....	.....	.....	.....
July 29, 1829	16,000	Perpetual...	5	80,000	5	80,000	80,000	80,000	1
Oct. 20, 1832	15,000	20 years.....	.....	.....	.....	.....	.....	.....	.....
Oct. 26, 1832	20,000	.... do.....	.....	.....	.....	.....	.....	.....	.....
Oct. 27, 1832	15,000	12 years.....	.....	.....	.....	.....	.....	.....	.....
June 17, 1846	300	Perpetual...	5	1,500	5	1,500	1,500	1,500	
Total	.....	.....	.....	111,500	.....	111,500	111,500	111,500	2

To award the annuitants their proportion of the above annuities only rejects all their claims to the educational and blacksmith's funds, they not being divisible as annuities, to chiefs for salt, &c., which were moneyed provisions of the former treaties, *i. e.*, those prior to 1833, but not annuities. It also cuts them off from all participation in the $643,000 trust fund, and the $32,150 annual interest on the same arising out of the sale by the Kansas Indians of the 5,000,000 tract, as reserved to the Pottawatomies in Iowa, and sold to the United States by treaty in 1846. This was a subsequent, not a former, treaty to 1833.

It also cuts them off from participation in the land provisions arising out of the treaty of 1846, by which their Kansas brethren receive, by United States patent, from 80 to 160 acres apiece, old and young included.

This may seem a hardship to the Michigan and Indiana people, but it is the result of what seems to be and is accepted as a proper construction of the treaty of September 27, 1833, by which they were permitted to remain, and upon which their claim rests.

The action of Congress in 1866 terminated by the passage of a joint resolution, (No. 191, first sess. 39th Cong.,) allowing these annuitants $39,000, in full of all demands, either as against the Kansas Indians or the United States, to be paid out of the trust funds of the Kansas Pottawatomies. This joint resolution states that its provisions are the result of an agreement between the eastern and western Indians.

The facts as presented in the case are these: A Michigan Indian, by the name of Edward Cowles, who had a common English education, was not a lawyer, and had no experience in such business, was presenting their case here. He was opposed by the Kansas delegation, and their able and experienced attorney in such matters. They at several sessions of Congress made overtures for a compromise of his claims, which he rejected, until, finally, he was presented with a proposition to accept $39,000, accompanied by a threat that unless he entered into the compromise then they had it in their power to defeat his case entirely, and a written agreement was presented him to sign. He was allowed no time to confer with his people; was assured that by signing it he would not prejudice the rights of his people for any claims for all balances remaining due them from the United States under the treaties; and, so believing, he signed it, went home, reported to his people in counsel his action. They repudiated his agreement, revoked his power, employed Messrs. Baker & Richards, attorneys, to so notify the Government, which the Indians were informed and believed was properly done, some six weeks before the action of Congress, and supposed that that ended all action on the Cowles agreement, and knew nothing to the contrary until some time in August following, when they received notice that $39,000 would be paid them soon, in full of all their claims.

They file their affidavits in the case stating that they were informed, and believed, that the results of their councils were properly sent to Washington, notifying the proper Department of their refusal to relinquish their annuities or any part of them. John R. Baker files his affidavit of having written to Hon. Charles Upson, then their Representative in Congress, to that effect; Hon. Charles Upson upon his oath states that he received such letter, identifying it by copy, and that he feels confident he gave the required notice to the Department, which letter includes notice of revocation of Cowles' power of attorney for having exceeded his powers, &c, and was dated and mailed, and doubtless received nearly six weeks prior to the action of Congress on the joint resolution

They held councils, and unanimously instructed their interpreter to notify the agent of the United States making the payment that they would not receive it under the provisions of the resolution of Congress; but as they had contracted debts for schools and churches, expecting a large amount, &c., in their distresss they would accept it only as so much paid on their just claim, to save their improvements from sheriff's sale, &c., which protest the interpreter fully made known to the agent of the United States making the payment, and before the money was paid; that, upon this protest by council and friends, the Indians were advised, and believed, and now fully believe, that by accepting the money they could not annul their treaty rights, which they held superior to a receipt, and sacred to them and the Government. Under these instructions, given in the presence and hearing of the agent of the United States making the payment, and without his modification or denial, but with the approval of his assistants, they accepted it and gave the required receipt.

It has been said that there is no valid basis for this case in the treaty of September 27, 1833; that the Government is not a party, and is not bound by the last-cited provision of that treaty.

In considering this objection it must be remembered that the removal of these Indians west was the principal object of the treaty; that permission to remain could only emanate from the United States as a party.

By virtue of this article they did remain. In effecting the removal of the Indians by military force these annuitants were exempted, and protected in remaining by the United States officers, while all others who could be secured were arrested and taken west by force.

Commissioner Crawford, contemporaneous with the events, speaks of it in his letter to R. Stuart, Indian agent of this agency, as "the supplemental article of the treaty," the article, &c., of full and unquestioned authority and force in the premises.

At all times it has been maintained by the executive and legislative departments of the Government as part of the treaty; was ratified as such by the Senate, and is so printed in the statutes.

Both branches of Congress and the Department of the Interior, after frequent and protracted examinations, have established its authority as an article of the treaty. These annuitants have ever believed it a valid article, and to test it by adverse supposition, if it be not. Thus the United States have perpetrated a fraud upon these people, by maintaining them, when its obligations for a valuable consideration are invalid and of no force.

It now seems that it must be held as binding upon both parties as any other article of the treaty, and that in the true interest of both parties.

As to the obligation or guarantee contained in this article protecting the annuitants in their just proportion, it must be observed that, as the treaties by which the Government purchased these lands prior to 1833 provided for the payment of the annuities to these annuitants in common with their people in Michigan and Indiana, any act on the part of the Government which permits them, or any part of them, to remain there continues the original obligation to pay them there, and no new promise or guarantee is necessary from the United States other than permission to remain, or remaining by permission, which is the same in effect, to keep in full force the original treaty provisions to pay the annuities to these annuitants in Michigan and Indiana.

Again, the agreement as signed by the parties and presented as a defense to this case, does not recite that the $39,000 shall be accepted as any release of claims against the United States, but only as against the tribe, *i. e.*, the Kansas Indians.

This fully reconciles the representations made to Cowles, believing which, he states in his affidavit he signed it.

It must be noticed in this relation that the tribe owed these annuitants for nothing. They had no claim upon the trust, educational, or reserve funds of the same, as these were created by treaties subsequent to 1833, and including 26th September, 1833, in which it is decided and accepted these annuitants have no claim.

The Government has at all times paid Indian annuities to the annuitants, per capita, at their villages or places of residence. The Government clearly permitted these annuitants to remain in Michigan, hence this agreement cannot be held as any bar or barrier to the case of the annuitants.

The resolution, as it passed Congress, in addition to the language of the agreement which is in writing and signed by the parties, recites "*or against the United States.*"

It will not be doubted but that cestui que trusts, competent to contract, may, by contract release the trustee, but that agreement must be clear, specific, and properly obtained. Here we have the agreement in writing signed by the parties; and it certainly cannot be maintained that it even attempts the release of the United States as trustee, purchasing-debtor, or otherwise, which leaves the joint resolution, as far as the claim of these annuitants is concerned against the Government, entirely foreign to the agreement executed by the parties in the premises.

The following shows the manner of determining the amount now due these annuitants on final settlement, taking the last table and the numbers of Indians as established by the record and facts in the case as the data.

Years.	Indians west of the Mississippi.	Indians in Michigan and Indiana.	Total number of Indians.	Amount due the nation.	Per capita.	Amount due the Indians.
1836	3,840	250	4,090	$80,000 00	$19 56	$4,890 [illegible]
1841	3,390	273	3,663	400,000 00	109 20	29,811 [illegible]
1846	2,321	269	2,500	270,000 00	108 00	29,052 [illegible]
1851	3,914	287	4,201	214,500 00	51 05	14,651 [illegible]
1856	3,181	281	3,462	114,500 00	32 20	9,046 [illegible]
1861	2,142	304	2,446	111,500 00	45 58	13,856 [illegible]
1866	2,202	317	2,519	111,500 00	44 26	14,070 [illegible]
1871	2,202	322	2,524	111,500 00	45 60	14,683 [illegible]
1872	2,202	322	2,524	22,300 00	8 83	2,844 [illegible]
						132,867 [illegible]
Add full annuity under treaty September 27, 1833, $2,000 for 19 years						38,000 [illegible]
						170,867 [illegible]
There were paid the memorialists from the year 1843 to 1863, inclusive, 21 years, $1,587.50 per annum					$33,337 50	
In 1864					1,237 50	
In 1865					1,587 50	
In 1866, in accordance with public act					3,900 00	
						75,162 50
Balance due memorialists						95,705 46
Annuity of $2,842.87 capitation, at 5 per cent. per annum, equals						56,897 50
Due to make final settlement						152,602 96

Having thus considered the facts and features for and against the case, it seems clear that, in the language of the Commissioner of Indian Affairs and the Secretary of the Interior, in approval of the Senate bill and report, "the amount allowed the said Pottawatomies is equitably and justly due them;" and the same should be appropriated and paid to them.

The foregoing pages contain a true copy of a report prepared by me as one of a sub-committee of the Committee of Indian Affairs, House of Representatives, Forty-second Congress.

The views expressed were reached after most diligent and painstaking research. It was to me a matter of sincere regret that opportunity was not found to have final action on the case by the committee and House.

This copy is furnished to W. N. Severance, esq., at his request.

S. S. BURDETT.

"The United States made those Indian nations, tribes, and bands their equals in the contracts, and hold the Indians to the faithful performance of their part of those contracts, and in honor cannot do less than to faithfully discharge their part of all of them." (See pages 12 and 13 of Report No. 98, 3d sess., 42 Cong., made by the Hon J. P. C. Shanks, late chairman of the House Committee on Indian Affairs, wherein that distinguished gentleman clearly, tersely, and forcibly maintains the law and rights of the Indians under the treaties.)

The number of your memorialists, the number of the Pottawatomies residing in Kansas, together with the amounts heretofore paid your memorialists, and the aggregated amounts stipulated in the annuity provisions of the various treaties of date prior to September 26, 1833, are the only data required to determine the amount now due your memorialists.

The aggregate amounts of annuities are shown by the treaties, and a full exhibit of the same is made by Senator Buckingham, in his report. (See pages 5 and 8 hereof.)

The remaining data have been obtained from the Interior and Treasury Departments, after the most exhaustive, careful, and laborious examination, as the following correspondence and reports will more fully show.

During the summer of 1870 and the winter of 1870 and '71 search was being made in the office of the Commissioner of Indian Affairs for these data, at the conclusion of which, and as a summary of the inquiries, the following letter was written, to which attention is called:

WASHINGTON, D. C., *January* 23, 1871.

DEAR SIR: I desire to learn the number of Pottawatomie Indians (now so called, being the united nation of Ottawas, Chippewas, and Pottawatomies) that complied with the treaty stipulations existing between them and the United States, and participated in the annuities of the same for the years 1836, 1841, 1846, 1851, 1865, 1861, and 1866.

If you have not the information in your office, will you please inform me when and from what source I may obtain the same?

Very truly, yours, &c.,

W. N. SEVERANCE.

Hon. E. S. PARKER,
Commissioner of Indian Affairs.

A true copy:

F. A. WALKER,
Commissioner.

And the reply of the honorable Commissioner:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 27, 1871.

SIR: I acknowledge the receipt of your letter of the 23d instant, in which you express a desire to "learn the number of Pottawatomie Indians (now so called, being the united nation of Ottawas, Chippewas, and Pottawatomies) that complied with the treaty stipulations

existing between them and the United States, and participated in the annuities of the same for the years 1836, 1841, 1846, 1851, 1856, 1861, and 1866," and reply that the information desired is not in the possession of this Office. I suggest that it may be obtained from the pay-rolls of the United States agents in whose charge the Indians were at the different periods mentioned, which will doubtless be found filed with the accounts of such agents in the Second Auditor's Office of the Treasury Department.

Very respectfully, your obedient servant,

E. S. PARKER.
Commissioner.

W. N. SEVERANCE, Esq.,
Washington, D. C.

A true copy:

F. A. WALKER.
Commissioner.

The following extract from a letter of the Hon. F. A. Walker, late Commissioner of Indian Affairs, addressed to Hon. S. S. Burdett, after setting forth the facts in the case substantially as in the reports hereinbefore cited, says:

No facts additional to those contained in the report made by the Commissioner of Indian Affairs in 1862, bearing on the rights and claims of these Indians, are now in possession of this office, nor have the views of the office upon the facts undergone any modification.

Should it be desired, for the purpose of contemplated legislation, to determine the amount now (1872) due under either or both of the alternative calculations made the basis of the calculations of 1862, above referred to, I will say that the data are in possession of the Second Auditor's Office, and this office is, therefore, not in a position to bring the calculation up to date.

On the 11th instant the desired information was formally requested of the Second Auditor, in a letter setting forth the nature of the inquiry, as shown above, using, however, the term "who *receipted* for the annuities," &c.

It was ascertained, upon examination of the pay-rolls, that chiefs and heads of families receipted for their dependencies, which were given in numbers in a column opposite their names, and so included in the footings; accordingly, on the 26th, the letter of the 11th was so modified as to require the "numbers who *received* the annuities," &c., to which inquiry the following response was received:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
January 26, 1871.

SIR: In compliance with request contained in your letter of the 11th instant, modified by that in letter of to-day, asking to be informed as to the numbers of Pottawatomie Indians who received annuities in the years 1836, 1841, 1846, 1851, 1856, 1861, and 1866, I send you the following list, made from the annuity pay-rolls on file in this office:

J. L. Jamison, agent, paid 3,764 persons in 1836; J. P. Simonton, 76, in 1836; A. S. Davis, 3,390, in 1841; R. B. Mitchell, 2,231, in 1846; J. R. Chenault, 3,914, in 1851; G. W. Clarke, 3,181, in 1856; W. W. Ross, 2,142, in 1861; L. R. Palmer, 2,202, in 1866.

Respectfully,

E. B. FRENCH,
Second Auditor.
By A. F. W.

W. N. SEVERANCE, Esq.,
133 *North A street, Washington, D. C.*

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
January 12, 1872.

SIR: In answer to your letter of the 5th instant, by which you ask to be informed "under and in conformity to what treaty stipulations the $1,587.50 were annually paid those Pottawatomie Indians remaining in Michigan, from 1843 to 1865, inclusive," I send herewith copies of three captions—in all of which the treaty stipulations are given—appearing on the several annuity pay-rolls for the period named by you, and on which the years are designated in red ink on the margins.

Respectfully,

E. B. FRENCH, *Auditor.*

W. N. SEVERANCE.

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
January 11, 1872.

This form of caption was on the pay-rolls from 1843 to 1865, both inclusive, excepting the years 1851 and 1865—(the above was written in red ink, &c.:)

"We, the chiefs, warriors, heads of families, and individuals without families of the Chippewa, Ottawa, and Pottawatomie tribes of Indians, within the agency of Michilimackinac, acknowledge the receipt from William A. Richmond, acting superintendent of Indian affairs, of fifteen hundred and eighty-seven dollars and fifty cents, in sum appended to our names, being our proportion of the permanent annuity due said tribes for the year 1846, under second article of the treaty of July 29, 1829, and second article supplementary to treaty of 26th September, 1833." (Voucher 5, set 5077, June 12, 1847.)

The form of the receipts given in the years 1851 and 1865 is substantially the same as the above, with the exception of the words "and second article supplementary to the treaty of September 26, 1833," which are not included in the same in form or substance. (See letters accompanying the papers.)

The following letter establishes the number of your memorialists who receipted for the $1,587.50 from 1843 to 1865, inclusive:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
May 4, 1871.

SIR: In reply to your letter of the 28th ultimo, asking for information relative to payments made by the United States as annuities, &c., to Pottawatomies of Michigan and Indiana since 1836, and also the number of Indians that receipted for said annuities, I have to state that the records of this office show that the Chippewas, Ottawas, and Pottawatomies of Michigan, within Mackinac Indian agency, were paid as follows:

In 1843, 253 Indians; 1844, 269; 1845, 217; 1846, 204; 1847, 244; 1848, 260; 1849, 260; 1850, 218; 1851, 229; 1852, 214; 1853; 219; 1854, 236; 1855, 236; 1856, 221; 1857, 229; 1858, 234; 1859, 253; 1860, 236; 1861, 235; 1862, 247; 1863, 246; 1864, 242; 1865, 232, for $1,587.50 each year, except in 1864, only $1,237.50, and in 1865 for $692.24, for the gold premium, and in 1866 230 receipted, in compliance to joint resolution, for the $39,000.

E. B. FRENCH,
Second Auditor.

W. N. SEVERANCE.

Pending the examination of the case by Senator Buckingham, on the 25th March, 1872, he addressed four letters of inquiry to the Secretary of the Interior, in one of which he inquired the number of Pottawatamie Indians residing in Kansas since 1836, by semi-decades, up to 1866; another, inquiring the number of your memorialists resident in Michigan at the same periods; another, inquiring the amounts paid your memorialists within the same period, and in compliance with what treaties; and a fourth, inquiring whether the treaty of Camp Tippecanoe, October 20, 1832, between the United States and the Pottawatomie "bands of the Prairie and the Kankakee" was regarded as made with the Pottawatomie *Nation*, or a part of the same known as bands of the Prairie and Kankakee.

The distinguished Senator, in his wisdom, did not deem it proper to rely upon the foregoing correspondence between the Interior and Treasury Departments and the counsel of your memorialists, but, considering the vast labor his inquiries would require, on the 26th, the day following, he addresses a letter to the Secretary of the Interior, substantially, that, if the examination resulting in the information afforded Mr. Severance had been such that the same could be indorsed to him in answer to his inquiries, it would be satisfactory. Whereupon proper verification was made, and the following communications transmitted to the Senator:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 27, 1872.

SIR: I have received your four letters dated the 25th instant, asking certain information in reference to the Pottawatomie tribe of Indians of the Prairie and Kankakee.

the treaty concluded at Camp Tippecanoe on the 20th October, 1832, which treaty was m with the Pottawatomie tribe of Indians of the Prairie and Kankakee.

I am informed by the Commissioner of Indian Affairs that the construction put upon treaty includes the Pottawatomie Nation, and that the annuities which have been under the provisions thereof have been paid to the nation, and not to any part the known as Indians of the Prairie and Kankakee.

I have no doubt that the construction of the treaty at the office of the Commissione Indian Affairs is correct.

C. DELANO, *Secretar*

TREASURY DEPARTMENT,
Second Auditor's Office, March 27, 187

SIR: The papers herewith contain the information furnished Ma 1871, January 12, and February 28, 1872, to W. N. Severance, esq., torney for Pottawatomies of certain bands, being the same reques by your letter of to-day, modified by suggestions in that of yester to you from Senator Buckingham, which last was filed in this office Mr. Severance.

Very respectfully,

E. B. FRENCH,
Second Auditor

Hon. C. DELANO,
Secretary of the Interior.

The following exhibits the number of the main nation of the Pottawatomie Indians, (t residing west of the Mississippi,) for the years indicated, as the same appears from th ceipt rolls in this office:

J. L. Jamison, agent, paid 3,764 persons in 1836.
J. P. Simonton, agent, paid 76 persons in 1836.
A. S. Davis, agent, paid 3,390 persons in 1841.
R. B. Mitchell, agent, paid 2,231 persons in 1846.
J. R. Chenault, agent, paid 3,914 persons in 1851.
G. W. Clark, agent, paid 3,181 persons in 1856.
W. W. Ross, agent, paid 2,142 persons in 1861.
L. R. Palmer, agent, paid 2,202 persons in 1866.

The $1,587.50 was paid to those Pottawatomies residing in Michigan, in conformity and as their proportion of the treaty of July 29, 1829, and the second article of the

In 1852 Wm. Sprague paid 214 Indians	1,587 50
In 1853 Henry C. Gilbert paid 219 Indians	1,587 50
In 1854 Henry C. Gilbert paid 236 Indians	1,587 50
In 1855 Henry C. Gilbert paid 236 Indians	1,587 50
In 1856 Henry C. Gilbert paid 221 Indians	1,587 50
In 1857 A. M. Filch paid 229 Indians	1,587 50
In 1858 A. M. Filch paid 234 Indians	1,587 50
In 1859 A. M. Filch paid 253 Indians	1,587 50
In 1860 A. M. Filch paid 236 Indians	1,587 50
In 1861 De Wit C. Leach paid 235 Indians	1,587 50
In 1862 De Wit C. Leach paid 247 Indians	1,587 50
In 1863 De Wit C. Leach paid 246 Indians	1,587 50
In 1864 De Wit C. Leach paid 242 Indians	1,237 50
In 1865 Richard M. Smith paid 232 Indians: principal, in currency, $1,587.50; premium, in gold, $692.24	2,279 74
In 1866 Richard M. Smith paid 338 Indians	39,000 00

The above shows the number of Pottawatomie Indians residing in Michigan in the years indicated who received the amount as shown thereon, as the same appears from the receipt-rolls on file in this office.

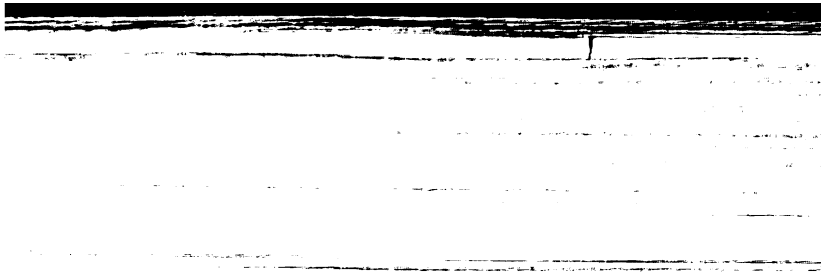
Your memorialists consider that they have herein laid before your honorable bodies all the facts in the case in any way essential in determining the same, which they know and verily believe to be true. Their cause is determined simply by the treaty of September 27, 1833, (vol. 7, U. S. Stat., p. 433,) pages 5 and 6 of Senator Buckingham's report, and the last exhibited letter of Secretary Delano. Nothing else is demanded in determining the amount due, and all else is simply authority and conformation. Two thousand eight hundred and forty-four dollars and eighty-seven cents, the amount, by Senator Buckingham's report, found annually due your memorialists, is added to the amount found due at the last current year, $152,602.96, to bring the account up to the present current year. Amount now due, $155,447.83.

In the clear light now focused upon their cause from every source of evidence and authority in the premises, resulting from long-continued critical, patient, and painstaking research of counsel and the several Commissioners of Indian Affairs, the several Secretaries of the Interior, the auditing officers of the Treasury, confirmed by the patient labors of Committees on Indian Affairs of the Senate and House of Representatives, your unfortunate memorialists now most confidingly and most humbly pray and petition your honorable bodies that the accompanying bill may become a law without further or unnecessary delay.

And they will ever pray.

SIMON POKAGON.
SETON MOTY.
LITTLE SETON MOTY.
BILLY AUGUSTA.
JOHN CUSH-AU-WA.
MAT-WASH-NEAH.
ANTHONY C. LABARDIE.
CHAS. THEO. CHANDONIA

W. N. SEVERANCE,
Of Counsel.



43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 46.

OCEAN NATIONAL BANK.

RESOLUTION

RELATIVE TO

THE OCEAN NATIONAL BANK OF NEW YORK CITY.

DECEMBER 18, 1873.—Referred to the Committee on Banking and Currency and ordered to be printed.

Whereas the Ocean National Bank, of the City of New York, failed December 12, 1871, having a capital of $1,000,000, and assets to the amount of $2,600,000, and owing debts to the amount of $1,400,000, and on that day one Theodore M. Davis, of the city of New York, was appointed receiver of said bank by the Comptroller of the Currency, Hurlburd, and the said Davis, immediately after his said appointment, entered upon the duties of his office, taking possession of all the property and assets of said bank, amounting to $2,600,000, and has, since that time, had control of said bank, its assets and all its affairs;

And whereas it appears by the report of said Davis, in the hands of the present Comptroller of the Currency, that up to July, 1873, a period of unvarying financial prosperity, that he has paid to creditors only the sum of $886,660, and has remaining in his hands, of both good and doubtful assets, only $260,000, showing a loss under his administration of over $1,300,000, and that since the said Davis has entered upon the duties of his said office as receiver, he has been guilty of illegal and improper conduct in his said office in reference to the assets of said bank and in managing its affairs;

And whereas his illegal and improper conduct has for several months last past been brought to the attention of the Comptroller without redress or removal of said Davis from the office of receiver, so that the action of Congress seems to be the only remedy in the premises: Therefore be it

Resolved, That the Committee on Banking and Currency proceed forthwith to investigate the affairs of said bank, and the conduct of said Davis and other officials connected with said bank, and that said committee have power to send for persons and papers, and report by bill or otherwise.

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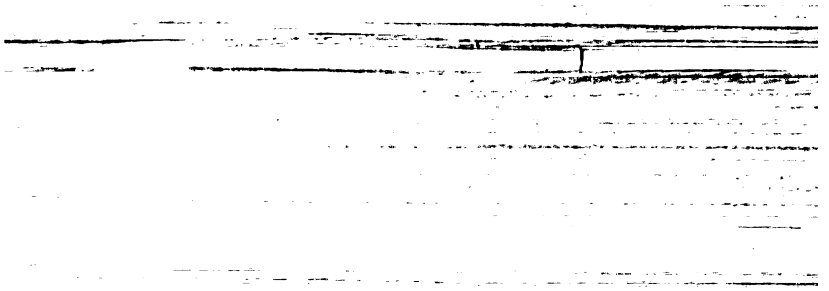

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 47.

INVENTORY OF PROPERTY.

LETTER

FROM

THE CLERK OF THE HOUSE OF REPRESENTATIVES,

TRANSMITTING

Inventory of property belonging to the United States in possession of the Clerk of the House of Representatives on the 1st day of December, 1873.

DECEMBER 18, 1873.—Referred to the Committee on Appropriations and ordered to be printed.

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,
Washington, D. C., December 1, 1873.

SIR: In accordance with the requirements of the act of Congress approved July 15, 1870, I have the honor to submit the annexed account of property belonging to the United States in my possession at this date.

Very respectfully,

EDW. McPHERSON,
Clerk House of Representatives.

HON. JAMES G. BLAINE,
Speaker of the House of Representatives of the United States.

Inventory of property belonging to the United States in possession of the Clerk of the House of Representatives on the 1st day of December, 1873.

Room No. 55.

1 square flat desk.
10 chairs.
2 desks.
1 mantel-clock.
1 hat-stand.
1 water-filter.
3 file-cases.
1 fender and fire-irons.
1 water-pail.
1 carpet.
2 waste-baskets.
1 six-light chandelier.
2 spittoons.
1 large mirror.
1 step-ladder.
1 feather-duster.

Room No. 56.

4 desks.
2 nests of drawers.
5 chairs.
1 water-tankard.
5 waste-baskets.

Room No. 56—Continued.

1 carpet.
1 book-case.
1 large mirror.
3 drop-lights.
1 six-light chandelier.
1 mantel-clock.
1 hat-stand.
1 pair steps and 3 spittoons.

Room No. 57.

1 square flat desk.
1 hat-stand.
3 desks.
2 spittoons.
1 mantel-clock.
2 settees.
1 book-case.
9 chairs.
1 official seal and case.
1 water-tankard.
1 marble-top stand.
1 six-light chandelier.
1 large mirror.
1 iron safe.
4 waste-baskets.
2 carpets.
1 water-bucket.

Clerk's room No. 58.

1 desk.
2 tables.
8 chairs.
1 lounge.
1 fender and fire-irons.
1 mantel-clock.
1 large mirror.
1 hat-stand.
2 drop-lights.
1 water-tankard.
1 marble-top stand.
5 waste-baskets.
2 spittoons.
2 carpets.
1 nest of shelves.
2 book-cases.
1 six-light chandelier.
1 newspaper-rack.
1 step-ladder.

Room foot of private staircase.

3 desks.
4 chairs.
3 waste-baskets.
2 spittoons.
1 wash-stand.
1 book-case.
1 small mirror.
1 four-light chandelier.
1 drop-light.
1 carpet.
1 wash-bowl and pitcher.
1 rope-mat.

Upholsterer's room.

1 desk.
2 chairs.
1 work-bench.
1 water-filter.

Store-room.

1 table.
1 chair.
1 small mirror.
1 wash-stand.
1 wash-basin and pitcher.

House library.

5 tables.
5 chairs.
1 lounge.
1 small mirror.
3 nine-light chandeliers.
4 waste-baskets.
1 carpet.
4 spittoons.
1 water-pitcher.
1 water-bucket.
1 step-ladder.

Branch library on floor of Hous

1 table.
4 chairs.
1 step-ladder.
1 spittoon.
1 waste-basket.
1 four-light chandelier.
1 carpet.

Clerk's document-room.

1 desk.
1 table.
7 chairs.
1 lounge.
1 clock.
2 book-cases.
1 small mirror.
1 six-light chandelier.
1 four-light chandelier.
1 hat-stand.
1 water-cooler.
1 water-pail.
4 spittoons.
3 waste-baskets.
1 large basket.
1 carpet.
1 blacking-stool.
1 step-ladder.
1 wash-stand.
1 water-pitcher.

Stationery-room.

3 tables.
1 desk.
3 four-light chandeliers.

Stationery-room—Continued.

6 chairs.
1 step-ladder.
2 nests of drawers.
1 fender and fire-irons.
1 wash-stand.
1 wash-basin and pitcher.
1 water-bucket.
1 office-table.
1 book-case.
1 small mirror.
1 carpet.
1 marble-top table.
1 hat-rack.
1 clock.
1 lounge.
1 rug.
1 blacking-stool.
3 waste-baskets.

Bath-room.

4 chairs.
1 table.
9 mirrors, (small.)

Congressional committee-room.

3 chairs.
5 spittoons.
1 wash-stand.
1 wash-basin and pitcher.
1 drop-light.
1 cocoa-carpet.
1 desk.
3 tables.

Engineer's rooms.

3 lounges.
9 chairs.
1 desk.
1 table.
1 wash-stand.
1 book-case.
1 large clock.
6 mats.
1 barometer.
1 water-pitcher.
6 spittoons.
4 water-buckets.

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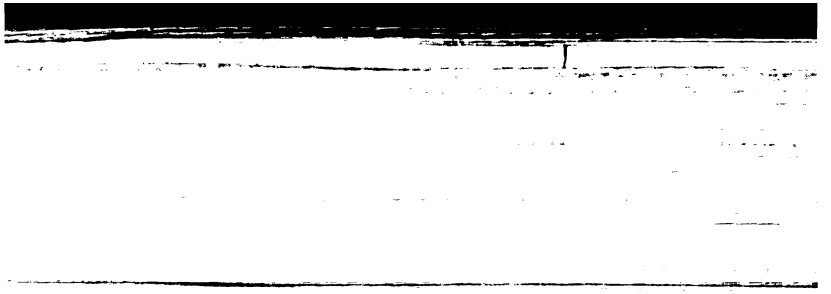

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 48.

IRREDEEMABLE CURRENCY.

MEMORIAL

OF

J. W. PARKER AND OTHERS,

BANKERS AND MERCHANTS OF THE CITY OF COLUMBIA, S. C.,

PRAYING

Congress to prohibit by law the issuance of an irredeemable currency by certain corporations, &c.

DECEMBER 19, 1873.—Referred to the Committee on Banking and Currency and ordered to be printed.

The honorable the Speaker and the members of the House of Representatives of the United States of America:

The prayer of your petitioners, citizens of Columbia, in the State of South Carolina, respectfully showeth unto your honorable body that they represent a majority of the mercantile community of the city and State aforesaid, not only as regards plurality of numbers, but in the more important aspect of capitalists; and that in urging the matter whose consideration is to follow, upon the attention of your honorable body, they are the spokesmen not only of their own sentiments, but also of the laborer, whose time and money are vastly depreciated in value in consequence of the course pursued by numerous corporations in this State, who have issued, in an arbitrary and illegal manner, numerous denominations of currency representing a face-value which they do not command, to the utter ruin of the working-classes who purchase the necessaries of life with this worthless paper at a discount of from ten to twenty-five per cent. The prayer of your petitioners further showeth that the issuing of these corporation-notes is not only detrimental to the interests of the community as a whole, and pre-eminently illegal according to the law of the land, but that it is also to redound to the aggrandizement of a few speculators who have put this burden upon the people in the hour of their financial distress, with no other motive than the selfish intention of growing opulent off of the wants and despair of the poor man, whose demand that a just compensation should be received for the sweat of his brow is lulled into quiet by the tender of these corporations' currency, which, in most instances, are *fac similes* of the national bank notes. The prayer of your petitioners also showeth unto your honorable body, not only that these issues of currency are ruinous

to the best interests of the community at large, and in direct conflict with the law of the land, and profitable only to speculators, but also that these corporations are not financially so prosperous as to warrant the assumption that they will ever be able to meet the indebtedness that they have shouldered in issuing a currency for general circulation, and forcing that currency upon their employés in times like these, when all of them are tottering to their foundations, and may at any time be forced into bankruptcy. The numerous suspensions throughout the country but typify the fate of these presumptuous corporations, grown bloated because of the issue of the currency against whose further spread your honorable body is petitioned. The South Carolina Railroad Company have issued bills of the nature under consideration, upon which are conspicuously printed different figures representing the various denominations of currency. The word "dollars" does not appear, and to avoid a technical objection these bills, signed by the president and secretary of said corporation, have the following words lithographed upon them: "Good for the face of one passage, —— miles," thus attempting to escape the tax to which it is submitted to your honorable body they are liable, in common with other corporations, public and private, who attempt to evade the law of the land. Similar bills to those just described have been issued by the Charlotte, Columbia and Augusta Railroad Company, whose stock is now offered at 10 cents on the dollar, and whose stockholders made a futile attempt but recently to lease it to another corporation for a term of years. The Farmers and Mechanics' Building and Loan Association of Richland County, South Carolina, have foisted upon the people a "certificate of deposit" which promises to pay to the bearer the amount it represents "on its return." When your honorable body is informed that this corporation has been in existence not yet a year, with but a nominal capital, entirely dependent upon the sale of the stock, and with no facilities appertaining to a banking system, your petitioners' prayer will be hearkened to. The city of Columbia has also issued similar bills, which promise to pay "on demand —— dollars in United States currency." It is useless to repeat that the people holding this circulating medium have to dispose of it at a great sacrifice, to satisfy the cravings of hunger or to clothe their bodies with sufficient warmth to protect them from the cold of the approaching winter. It is urged upon your honorable body, with all respect for your honorable and national character as the legislators of the land, that such steps be taken by you, the protectors of the persecuted and the punishers of the persecutor, as will check this high-handed imposition of the few, and bridle this wild delirium which has seized upon these breakers and evaders of the law, who have flooded our land with various denominations of a circulating-medium which may at any moment be left upon your petitioners' hands, the worthless mementoes of a wrongful and unprecedented effort of the few to grow rich from the losses of the many. Other corporations, with this incentive to grow suddenly rich, are meditating a like act of violation of the law. This unpardonable course is seen in all its enormity when your petitioners assure your honorable body that while these bodies corporate thus evade the taxation of the issues under consideration, the national banks of this city pay a tax (State and municipal) of 5 per cent. on their accredited capital, and the same character of banks in the city of Charleston pay into the coffers of the State and city treasuries the sum of 6 per cent., thus driving from the borders of the State all foreign capital which, to be used to accommodate the citizens of the State, demands from the moment it is brought into our midst this enormous outlay for State and municipal

purposes. It is therefore urged upon your honorable body that such further legislation be made as will exempt the national banks from all taxation, or to modify in some efficacious manner a taxation that drives away from this State a sufficient capital to enable us to recuperate our broken fortunes.

And your petitioners will ever pray, &c.

We approve of the foregoing petition, and do certify to the truthfulness of the facts therein stated.

J. W. PARKER, vice-president of Carolina National Bank.
C. J. IREDELL, cashier of Carolina National Bank.
EDWIN I. SCOTT & SON, private bankers.
I. P. SOUTHERN, president Union Savings Bank.
G. M. WALKER, cashier Union Savings Bank.
ORLANDO Z. BATES, merchant.
DANIEL CRAWFORD & SONS, merchants.
D. C. PEIXATTO & SONS, merchants.
EDWARD M. NATHAN, merchants.
H. MULLER, merchant.
ROWE C. SWAFIELD, merchant.
HOPSEN & SUTPHEN, merchants.
J. H. KENARD & CO., merchants.
W. GORMAN, Columbia Hotel.
W. B. GULICK, general agent.
E. E. JACKSON, druggist.
JACOB LEVIN, auctioneer and commission merchant.
SWYGERT & HOOK, merchants.
W. K. GREENFIELD, merchant.
S. SHERIDAN, merchant.
H. & S. BEARD, commission merchants.
H. GOODMAN, merchant.
GEO. SYMMERS, merchant.
P. CANTWELL, merchant.
WM. GLAZE, merchant.
JOHN AGNEW, carriage manufacturer.
WM. B. STANLEY, merchant.
C. H. MIOT, druggist.
R. L. BRYAN, bookseller.
THEOM POLLOCK, Wheeler House.
R. C. SHIVER & CO., merchants.
JOHN AGNEW & SON, merchants.
KINARD & WILEY, merchants.
KINGSLAND & HEATH, merchants.
JNO. C. DIAL, merchant.
G. DIEREKS, merchant.
L. T. SILLIMAN & CO., druggists.
LUNT & LAWRENCE, merchants.
JOHN C. SEEGERS, merchant.
M. ELMLECK & SONS, merchants.
RICHARD O'NEALE & SON, merchants.
HOPE & GYLES, merchants.
J. & A. OLIVER, merchants.
EBEN STEERHOUSE, merchants.
FRED. J. BROWN, merchant.
THOMPSON EARLE, merchant.
R. H. *BROWN, merchant.*

R. HANNON, merchant.
BOWEN & LAFAR, merchant.
M. MAYLIZ, merchant.
W. D. LOVE & CO., merchants.
C. F. JACKSON, merchant.
W. C. FISHER, druggist.
F. N. EHRLICH, merchant.
M. H. BERRY, Merchant.
J. MEIGHAN, merchant.
THOS. J. GIBSON, merchant.
JOHN MCKENZIE, merchant.
GEIGER & MCGREGOR, druggists.

O

43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 49.

GEORGE R. MAXWELL vs. GEORGE Q. CANNON.

PAPERS

IN THE CASE OF

MAXWELL vs. CANNON,

FOR

A SEAT AS DELEGATE FROM UTAH TERRITORY IN THE FORTY-THIRD CONGRESS.

EVIDENCE OF CONTESTANT.

No. 1.—*Notice of contest.*

To GEORGE Q. CANNON, claimant, *vs.* George R. Maxwell, contestant for a seat as Delegate from Utah Territory in the Forty-third Congress of the United States of America:

You are hereby notified that I, George R. Maxwell, will appear before the House of Representatives of the United States of America, upon the 4th day of March, 1873, or as soon thereafter as I can be heard, and then and there contest your right to hold a seat as Delegate from Utah Territory in said Congress, by virtue of a certain certificate which you now hold, dated October 12, 1872, signed by George L. Woods, as governor of Utah Territory, which said certificate is based upon the last general election returns, held in Utah Territory, because—

First. You did not receive a majority of legal votes cast in a legal manner at said election.

Second. That said election was not a free and fair expression of the voters of Utah Territory, they, the voters, having been influenced by fear of one Brigham Young; that you did combine and confederate with the said Young and others, and by duress and violence did compel each and every voter who voted for you to so vote, under no less a penalty than death.

Third. That at said election each and every ballot was numbered, and a corresponding number was kept by your confederates for the purpose of intimidation.

Fourth. All numbered ballots should have been thrown out of the returns of said election, thus giving me a majority of the legal votes cast in a legal manner in precincts where no numbers were used.

Fifth. The returns of said election show that you received twenty thousand nine hundred and sixty-nine votes, and that I received one

hundred and ninety-one in a population of eighty-five thousand—a
that any individual, male or female, throughout the entire territo
could vote for you without qualifications, and all that offered did so v
for you.

Sixth. That fifteen thousand women, whose votes are illegal, vo
for you; that of the fifteen thousand women who thus voted, five th
sand of them were of foreign birth and not naturalized, and about
thousand of the women were under the age of twenty-one years.

Seventh. That the male and female voters in all the precincts vo
together, using the same poll-lists and ballot-boxes, thus renderin
impossible to separate the male and female vote, and because the sep
tion cannot be made, the entire vote, where ballots were so used, m
be thrown out, thus leaving me a majority of legal votes in preci
where no females voted. That, aside from female votes, eight thous
males voted for you who were of foreign birth and unnaturalized;
that large numbers of males voted for you who were under the ag
twenty-one years. That you are personally disqualified, as you ca
take the oath of office, having heretofore, to wit, on the 15th da
May, 1848, at Nauvoo, Ill., taken an oath to obey one Brigham Yo
and his successors, in all things temporal and spiritual, upon pai
death, and an oath of disloyalty to the United States, and that
would do all in your power to thwart and overthrow the Governm
which oath you now consider binding.

Eighth. That you cannot take the oath of office, having decl
upon oath heretofore, to wit, on the 15th day of November, 1871, at
Lake City, that you considered the revelations of polygamy paramo
to all human law, and that you would obey said revelations rather t
the law of any country.

Ninth. That you are further personally disqualified because you
a bigamist, and living in open and continued violation of the la
God, man, your country, decency, and civilization, and the act of
gress of 1862, entitled "An act to prohibit polygamy in the Territori

Utah Territory, on the 10th day of September, at his office in Salt Lake City, in words and figures as follows, to wit:

SALT LAKE CITY, UTAH TERRITORY,
September 10, 1872.

To his Excellency GEO. L. WOODS, *Governor of Utah:*

I, the undersigned, do, in the name of the loyal citizens of Utah, solemnly protest against the issuance of a certificate of election to George Q. Cannon, as Delegate to Congress from Utah Territory, for the following reasons, to wit:

First. Because of the illegality of the votes cast for said George Q. Cannon, and also because many of the voters were disqualified by reason of their extreme youth, and because not naturalized. Again, because the ballots were so numbered as to bring the terrorism of a so-called religion to bear upon the consciences of the voters, thus robbing them, for the time, of their free moral agency, and desecrating the proud and sacred franchise of American citizens.

Again, I do solemnly protest against issuing said certificate to said George Q. Cannon, because of his disqualification, inasmuch as he is bound by solemn oath to recognize the will of the head of the Mormon church and priesthood as a power superior to the Constitution and laws of his country, by the very nature of his oath necessitating obedience to that will, even when it conflicts with said Constitution and laws. Again, because he cannot take the oath of office, having declared in open court that the revelation of polygamy is paramount to all human law. Again, because said George Q. Cannon is living in open and persistent violation of his country's laws, being a noted polygamist. Again, because his admission to a seat in Congress would involve the nation in a manifest complicity with polygamy. Again, because it would be a virtual recognition of polygamy as the state or national religion. Again, because it would be an outrage against the moral sentiment imbedded in the hearts of a mighty people irrespective of their religious faith or political predilections. Again, because it would pave the way for the admission of Utah as a State, and the inevitable ostracism and terrorism that would inaugurate a reign of anarchy in Utah, involving the innocent with the guilty. And the voters of Utah had full and ample notice of these disqualifications.

GEO. R. MAXWELL,
Protestant.

Thirteenth. Each and every fact charged in said protest is true. You will further take notice that I will claim said seat as Delegate from Utah for the Forty-third Congress.

GEO. R. MAXWELL,
Contestant.

Received copy of the within, October 29th, 1872.

GEO. Q. CANNON.

SALT LAKE CITY.

No. 2.—*Answer.*

In the matter of the application of George R. Maxwell, contestant, against George Q. Cannon, claimant and contestee for a seat as Delegate from Utah Territory in the Forty-third Congress of the United States of America.

To GEORGE R. MAXWELL, *Contestant:*

In answer to your notification and statement of grounds on which you rely to contest my right and to support your claim to a seat in the Forty-third Congress as delegate from Utah Territory, I deny:

First. The first allegation contained in said statement, that I did not receive a majority of the legal votes, cast in a legal manner, at the election for such delegate held in Utah Territory on the first Monday of August, (August 5,) A. D. 1872. I deny,

Second. That *said election*, as alleged by you in the second ground of

said statement, was not a free or fair expression of the voters of Utah Territory, or that the said voters, or any of them, were influenced by fear of Brigham Young, or any other person. I further deny that I combined or confederated with the said Young, or any other person or association, to influence the said election, or that I, or any one on my behalf, or otherwise, did, by duress, violence, or other coercion, compel each or any voter, who voted for me at said election, so to vote, under the penalty of death, or any other penalty whatever.

Third. I deny the third allegation in said statement contained, "that each and every ballot was numbered, and a corresponding number was kept by your (my) confederates for the purpose of intimidation." I admit that the ballots cast at said election were numbered and deposited in the ballot-boxes by the judges of the election, as they were received from the voters, and that the clerks at the several election precincts then wrote the name of the elector on the poll-list and opposite it the number of his vote; but I deny that this was done for the purpose of intimidation, or for any other purpose or reason than to comply with the laws of Utah Territory applicable to and regulating said election.

Fourth. I deny the fourth allegation of said statement, that "all numbered ballots should have been thrown out of the returns of said election." I base my denial on the fact that said ballots were numbered and deposited in the ballot-boxes, and the names of the electors, and the number of their votes opposite their respective names, written on the poll-lists in strict compliance with the provisions of the act of the legislative assembly of the Territory of Utah, entitled "An act to provide for the election of a Delegate to the House of Representatives of the United States," approved January 10, 1867; and of an act of said legislative assembly, entitled "An act regulating elections," approved January 3, A. D. 1853. I allege, as a conclusion of law, that all ballots cast in the manner prescribed by the acts above referred to, should have been received and counted. I deny that you received a majority of legal votes, cast in a legal manner, at said election.

Fifth. As to the fifth allegation made in said statement, I admit, as therein stated, that the returns of said election show that I received twenty thousand nine hundred and sixty-nine votes, and that the same returns show that you received one thousand nine hundred and forty-two votes. I deny that you received three thousand five hundred and twenty-two legal votes; and if the votes you received, as shown by the said returns, were cast in the manner stated in the fourth allegation of your statement, I deny that you received any legal votes at said election. I deny that, in the county of Beaver, or at any other place in the Territory of Utah, one thousand, or any other number of legal votes received by you, were thrown out. I deny that I or others, wilfully or otherwise, neglected or refused to establish election precincts in places where miners could vote. I further deny that you were deprived of two thousand votes at said election, because the judges thereof would allow no one to vote for you who had not actually paid territorial taxes and lived one year in the precinct where he offered to vote. I deny that any individual was allowed to vote for me who was not possessed of the requisite qualifications, prescribed by the laws in force in said Territory, for the exercise of the elective franchise. I deny, upon information and belief, that any legal vote offered for you at said election was rejected by the judges of the election, or that voters friendly to you were not allowed any and all the rights exercised or claimed by those who favored me.

Sixth. In answer to the sixth ground of contest in said statement con-

tained, I deny that fifteen thousand women voted for me. I admit that I received the votes of a number of female citizens of the United States, residing in and citizens of the Territory of Utah, which I estimate, on information and belief, at somewhat less than ten thousand. I deny your assertion that five thousand of the number who thus voted for me were of foreign birth and not naturalized, or that about five thousand of them were under the age of twenty-one years. I allege, on information and belief, that the women who voted for me at said election were citizens of the United States; had been, for six months next preceding said election, residents in the Territory of Utah, were twenty-one years of age, and possessed all the qualifications required of voters in said Territory under the provisions of an act of Congress of the United States, entitled "An act to establish a territorial government for Utah," approved September 9, 1850, and of an act of the territorial legislature of Utah, entitled "An act conferring upon women the elective franchise," approved February 12, 1870.

Seventh. In answer to your seventh allegation I claim that it is contradictory and inconsistent in this, to wit: In one place you assert "that the male and female voters in all the precincts voted together, using the same poll-lists and ballot-boxes;" and in another clause of the same sentence you assert that there were "precincts where no female voted." I admit that male and female voters at said election used the same poll-lists and ballot-boxes, but I deny your conclusion that it is impossible for that reason to separate male and female voters, or that such ballots should, for the reasons assigned, or for any other valid cause, be thrown out and not counted. I deny that you received a majority of legal votes in precincts where no female voted. I deny that eight thousand or any number of males voted for me who were of foreign birth and unnaturalized. I deny that a large or any number of males voted for me who were under the age of twenty-one years. And I further deny, upon information and belief, that any persons voted for me at said election who were not qualified and legally entitled to vote.

Eighth. As to the eighth allegation contained in said statement, I deny that on the 15th day of May, 1848, at Nauvoo, Ill., or at any other time or place, I took an oath or an obligation to obey Brigham Young or his successors in all things or in anything, temporal or spiritual. I deny that at Nauvoo or elsewhere I ever took an oath or other obligation of disloyalty to the United States, or that I ever, at any time or place, took an oath or other obligation to thwart or overthrow the Government; and I utterly deny that I have ever taken any oath, affirmation, or other obligation, or made any declaration, inconsistent with my loyalty and allegiance to the United States, or obedience to the Government and laws thereof.

Ninth. In answer to the ninth allegation made in said statement, I deny that on the 15th day of November, 1871, at Salt Lake City, or at any other time or place, I declared, upon oath or otherwise, that I considered the revelation of polygamy paramount to all human laws, or that I would obey said revelation rather than the laws of any country.

Tenth. In response to the tenth allegation contained in said statement, I deny that I now live, or have ever lived, in violation of the laws of God, man, my country, decency, or civilization, or of any law of the United States.

Eleventh. I deny that I am now living with four wives, or that I am living and cohabiting with any wives, in defiant or wilful violation of the laws of Congress of 1862, entitled "An act to prohibit polygamy in the Territories."

Twelfth. In answer to your twelfth allegation I deny that, on the 15th day of November, 1871, or at any other time, I declared, under oath or otherwise, that I considered polygamy, or the revelations authorizing it, paramount to all human law. Whether the voters of Utah had ample or full notice of the pretended disqualification alleged in your said statement I am unable to say, and, therefore, neither admit nor deny. I deny as untrue and scandalous the conclusion you have deduced and stated, viz: "That no oath of allegiance to the United States would be binding on me," and I oppose to such assertion not only my positive denial, but the reputation I have always sustained and merited as a citizen, obedient to the laws and devoted to the interests of his country.

Thirteenth. In response to the thirteenth allegation of your statement, that you served on the governor of Utah Territory a copy of the notice embodied in said statement, I neither admit nor deny that such service was made, but I demur to and deny the conclusion which you have drawn from the alleged fact, viz: That the certificate of election which I received from his excellency the governor of Utah Territory is void. As to the matters charged in said notice, I deny alike all the preteuded facts therein asserted, and the inferences and conclusions which you have thought proper to deduce therefrom.

Fourteenth. Each allegation contained in your statement, except such as I have expressly admitted, is traversed and the proof hereby demanded.

In addition to the foregoing answer and denial of all the material specifications contained in your said statements and notification, I hereby notify you that I rest the validity of my election, as Delegate from Utah Territory to the Forty-third Congress of the United States of America, and shall claim a seat therein as such Delegate, on the following grounds, to wit:

1st. That on the first Monday, being the 5th day of August, A. D. 1872, an election was held in the Territory of Utah, for Delegate from said Territory to the Forty-third Congress of the United States, in pursuance of an act of the legislative assembly of the Territory of Utah, entitled "An act to provide for the election of a Delegate to the House of Representatives of the United States," approved January 10, 1867.

2d. That said act was passed pursuant to section 13 of a statute of the United States, entitled "An act to establish a territorial government for Utah," approved September 9, 1850.

3d. That election precincts were, prior to the said election, duly established by the county courts of the several counties of the Territory of Utah, in pursuance of an act of the territorial legislature of said Territory, entitled "An act creating the office of selectmen, and prescribing their duties, also the duties of the county courts," approved January 8, 1866; and that in each county suitable and convenient precincts were thus established for the accommodation of all legal voters.

4th. That at said election the senior justice of the peace of each precinct acted as the judge of the election, and appointed one clerk of election; that in the absence of such justice the electors first assembled at a precinct appointed a suitable person to act as judge; that the said election was held from one hour after sunrise until sunset. All of which was in pursuance of an act of the territorial legislature of said Territory, entitled "An act regulating elections," approved January 3, 1853.

5th. That said election was conducted in strict conformity to all the provisions of the territorial act last above recited, which said act is pursuant to and in accordance with the provisions of section 13 of the act of Congress organizing a territorial government for Utah.

6th. That the ballot-boxes and poll-lists were sealed up at the close of said election, at the several precincts, by the judges of the election, and forwarded without delay to the county clerks of the several counties in which said precincts were situated; that the ballqts cast were duly counted and canvassed by the officers designated by law, and returns of the election for delegate were forwarded to the secretary of said Territory, as required by the act of the territorial legislature, before cited, entitled "An act regulating elections."

7th. That after a careful count and canvass of the returns thus received, by the secretary of the Territory of Utah, a certificate of election was given to me, by Hon. Geo. L. Woods, on the 11th day of October, 1872, a copy of which is in words and figures following, to wit:

UNITED STATES OF AMERICA,
Territory of Utah, ss:

I, George L. Woods, Governor of Utah Territory, do hereby certify that, at an election held in and for the Territory of Utah on the 5th day of August, A. D. 1872, for Delegate to the House of Representatives of the United States, twenty-two thousand nine hundred and thirteen votes were cast, of which number George Q. Cannon received twenty thousand nine hundred and sixty-nine, and George R. Maxwell received one thousand nine hundred and forty-two; and that two votes were cast for other persons, and that the said George Q. Cannon having received the greatest number of votes for said office, at said election, is by me hereby declared duly elected Delegate to the House of Representatives of the United States, from the Territory of Utah, to the Forty-third Congress.

In testimony whereof I have hereunto set my hand and caused the seal of the Territory of Utah to be affixed.

Done at Salt Lake City, Utah Territory, on this the 11th day of October, A. D. 1872.

GEORGE L. WOODS,
Governor of said Territory.

By the Governor:
GEORGE A. BLACK,
Secretary of said Territory.

8th. That at said election, twenty-two thousand nine hundred and thirteen votes were cast, of which number I received twenty thousand nine hundred and sixty-nine, as shown by the returns in the office of the secretary of the territory and by the aforesaid certificate of his excellency the governor.

9th. That all who voted for me, at said election, were citizens of the United States, and entitled to vote under the provisions of sections 5 and 13 of the act of Congress of the United States, entitled, "An act to establish a territorial government for Utah," approved September 9, 1850, and of the laws of the territorial legislature, passed in pursuance of said act.

10th. That of the number of voters who voted for me at said election about eleven thousand were males; all of whom, as I am informed and believe, and therefore state the facts to be, were, at the time, citizens of the United States, over the age of twenty-one years, tax-payers, and constant residents of the Territory of Utah, during the six months next preceding the said election, and all entitled to vote at said election, under the provisions of the organic act before cited, and of the law of the territorial legislature of Utah, entitled "An act prescribing certain qualifications necessary to enable a person to be eligible to hold office, vote, or serve as a juror," approved January 21, 1859.

11th. That of the whole number of voters who voted for me at said election somewhat less than ten thousand were women, all of whom, as I am informed and believe, were, at the time of said election, citizens of the United States, over twenty-one years of age, had resided in the Territory of Utah for six months next preceding said election, and were entitled to vote under the provisions, before referred to, of the act organ-

izing the Territory, and of the law of the territorial legislature of Utah, entitled, "An act conferring upon women the elective franchise," approved February 12, 1870.

12th. That the population of Utah, on the 5th day of August, 1872, was in excess of one hundred thousand, and there were over twenty-five thousand legal voters in the Territory.

13th. That at the time of said election for Delegate I was, as I am now, a citizen of the United States; had been for nearly twenty-five years a resident of the Territory of Utah, and was eligible to said office.

14th. That the said election was a fair and free expression of the choice of the legal voters of Utah Territory. No effort was made by me, or by any persons for me, to influence by duress, intimidation, reward, or promise of reward, the action of any voter; that all were free to exercise their own judgment in the premises.

15th. That, as appears by the official returns of said election, and the governor's certificate in relation thereto, you did not receive more than one thousand nine hundred and forty-two votes, and are not, in any event, entitled to the seat, which you claim in defiance of all law, justice, and precedent.

GEORGE Q. CANNON.
Delegate Elect.

SALT LAKE CITY, UTAH TERRITORY,
November 23, 1872.

I hereby admit service of the within answer of George Q. Cannon, this 23d day of November, A. D. 1872.

GEORGE R. MAXWELL,
Contestant.

No. 3.—*Notice to take depositions.*

George R. Maxwell, contestant, *vs.* George Q. Cannon, Delegate elect for a seat in the Forty-third Congress of the United States as a Delegate from the Territory of Utah.

To the above-named GEORGE Q. CANNON:

You will take notice that I, George R. Maxwell, will examine witnesses in the above-entitled cause, at the city of Provo, Utah Territory, at the office of the clerk of the second judicial district court; said examination to commence upon the 11th day of December, A. D. 1872, at 10 o'clock a. m., before Obed F. Strickland, judge of the second judicial district, Utah Territory, and in his absence, Ira M. Swartz, register in bankruptcy for the district of Utah, to continue from day to day until the following witnesses are examined: M. V. Ashbrook, Ira M. Swartz, Charles Swartz, Joseph A. Thompson, John Settler, W. J. Hawley, Stephen Groosebeck, N. A. Witchen, all of Juab County, Utah Territory.

GEO. R. MAXWELL,
Contestant.

The within notice served on George Q. Cannon, by leaving a copy of the same at his house, on Saturday, November 30, 1872.

M. J. ROCHE.

No. 4.—*Depositions of Charles D. Handy et al.*

Depositions of witnesses produced, sworn, and examined at Salt Lake City, in the county of Salt Lake, and Territory of Utah, before me, William P. Appleby, register in bankruptcy for the district of Utah, in the matter of George R. Maxwell, contestant, *vs.* George Q. Cannon, Delegate elect to the 43d Congress of the United States of America.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

TERRITORY OF UTAH,
County of Salt Lake:

GEORGE R. MAXWELL, CONTESTANT,
against
GEORGE Q. CANNON, DELEGATE ELECT.

S. A. Mann, counsel for George Q. Cannon, objects to the taking of testimony under this notice, marked Exhibit A, the same not being in conformity with the act of Congress of February 19, 1851, concerning contested elections, in that the notice does not state before whom the same is to be taken, and does not give the residences of the witnesses whose testimony is proposed to be taken. Second, that there is no law authorizing a register in bankruptcy to take testimony in such cases.

CHARLES D. HANDY, of the city and county of Salt Lake, and Territory of Utah, being first duly sworn, deposes and says:

Question. State your name, age, and place of residence, and occupation.

Answer. My name is Charles D. Handy; I reside in Salt Lake City, Utah Territory. I am aged forty years, and I am an attorney by occupation.

Q. How long have you resided in Utah, Mr. Handy?

A. About two years and a half.

Q. During that time what has been your means of becoming acquainted with the people of Utah Territory?

(Objected to as irrelevant and immaterial.)

A. I have been constantly engaged among the people in the practice of the law, around the mining camps, and have been considerably thrown among the people in general business matters.

Q. Are you acquainted with George Q. Cannon, Delegate-elect from Utah to the Forty-third Congress?

(Objected to as above.)

A. I know him well by sight and reputation, and have been introduced to him.

Q. What is his reputation among the people of Utah, respecting his marriage relations?

(Objected to, for the reason that it is irrelevant and immaterial, and that his marriage relations cannot be proved by general reputation.

Counsel for contestant seeks to show knowledge for disqualifications throughout the Territory, and not his marriage relations, except so far as this may be cumulative.)

A. He is notoriously reported to have three or four wives living.

Q. Did the people of Utah Territory on the 5th day of August, A. D. 1872, know of this?

(Objected to, on the ground that it is irrelevant and immaterial.)

A. So far as my knowledge goes, the fact of this reputation was known by everybody.

Q. Who was editor of the Deseret News for the last two years?

(Objected to as last above.)

A. George Q. Cannon's name appears as such in the paper, and when I have called there he has acted and has appeared as such, when I have called at the office.

Q. Were you present in the court-room of the third judicial district of Utah, some time about the middle of September, 1871, when George Q. Cannon was examined as to his qualifications as a juror? And if so, give, as nearly as you can, the questions propounded and the answers given.

(Objected to as last above.)

A. I cannot recollect exactly the questions and answers. The presiding judge was questioning him relative to his belief in plural marriage or polygamy, and also, I think, as to whether he believed a law of the church was more binding than the law of the land. Mr. Cannon stated that he believed the so-called revelation concerning establishing plural marriage was from God; also, that he believed that a person marrying more than one wife under that revelation did not commit adultery. He also stated that he was editor of the Deseret News at that time. This was in open court in a public manner, and the court-room was crowded with people.

Q. Were those statements made generally published by the newspapers of Utah, and commented upon by the people; and if so, to what extent?

(Objected to as above.)

A. The statements were published and commented upon by all the newspapers in the Territory, and considerably talked about among the people. The matter attracted a great deal of attention.

Q. Were you present at the city hall at the last general election held in Utah for Delegate to Congress? and if so, state what you know concerning said election.

(Objections as above.)

A. I was present at the polls all day, from a short time after their opening in the morning until their closing at night, with the exceptions of about an hour's absence at two different times. I was seated right by the poll-boxes, and engaged in taking down names of portions of the voters. In the morning several parties offered their votes, and were challenged on the ground, the six months next preceding the election in the precinct where the votes were offered. The challenges were sustained and the votes rejected on that ground. I have forgotten the names of the parties so challenged, but remember particularly one instance, where the party offering to vote offered to swear that he had resided in the county where the precinct was located for over two years next preceding the said election, and most of the time in said precinct, and that he was then a resident of said precinct, but that during a portion of the six months next preceding said election he had temporarily resided in Little Cottonwood, another precinct in said county, for the purpose of working as a laborer in the mines. His vote was rejected on the grounds stated above. All the other parties whose votes were rejected as above, with one or two exceptions, offered to swear that they had resided in the Territory of Utah more than six months next peceding said election, and were then residents of the said precinct.

Quite a number of parties were challenged during the day on the ground that they had paid no taxes in the Territory; the ground of challenge was sustained and the votes rejected. Toward evening and long after the parties alluded to had left, the judges of the election reversed their ruling in both the above classes of cases. The parties above alluded to as offering to vote, in nearly every instance, stated their wish to vote for George R. Maxwell for Delegate to Congress. During the day large numbers of women voted at the polls without question, many of them appearing to be young girls not over sixteen or seventeen years of age, and many of them evidently foreigners who could scarcely speak the English language; some of them indeed could not. The question was raised, (I do not remember whether a direct challenge was made,) as to the necessity of the naturalization of such foreign-born women. The judge of the election stated that he should hold that there was no necessity for naturalizing any person who became the wife or was the daughter of a citizen of the United States. I understood the term wife to apply to plural wives, as well as others, inasmuch as the term wife is applied to such persons in this community generally. These women generally, so far as I heard any expression among them, which I did hear quite often, voted for George Q. Cannon as Delegate to Congress.

Q. Who acted as challengers for George Q. Cannon on that day?

(Objected to as above.)

A. There were at least, to my knowledge, three of the regular police of Salt Lake City acted as challengers, who were at the same time engaged in their official capacity as policemen, having general supervision of the polls and surroundings. To my knowledge they did not challenge any one who offered to vote for George Q. Cannon.

Q. From your knowledge of that election, was it a fair and untrammeled election?

(Objected to as above.)

A. From my knowledge of the state of affairs in this country, and the manner of conducting elections, and the system of marking ballots, I should certainly say it was not.

Q. Was the power of the Mormon Church brought to bear in that election; and if so, in whose favor?

(Objected as above.)

A. I can only say that the judges and clerks of election, and those who took an active part in conducting the same, on the part of George Q. Cannon, were persons generally known as bishops and elders in the Mormon Church, and that every Mormon, without exception, so far as I heard any expression, which I did hear almost universally among those who voted, voted for George Q. Cannon as Delegate to Congress. Judging from the above fact I should suppose that the power and influence of the Mormon Church was exerted in favor of George Q. Cannon.

Cross-examination:

Q. You say in your direct examination that a number of parties were challenged because they had not lived in the precinct six months next preceding the election; how many parties were so challenged?—A. To the best of my recollection, I should judge ten or a dozen. There might have been more, but there were not less than that.

Q. Were there any challenges made by those acting for Mr. Maxwell on the same grounds?—A. Not to my knowledge.

Q. You stated that there were some parties challenged because they were not tax-payers; how many were so challenged?—A. I should say

not more than three or four. The question was asked nearly every time. Along towards evening, when Judge Haydon read the law to them, they changed their decision. The law had been read to them several times during the day, and they had quite an argument over it.

Q. You say that there were a large number of women voted at the election; what was the proportion of male and female voters as far as you could judge?—A. I cannot form a very intelligent opinion. A very large proportion of them were women—I should judge between a third and a half.

Q. Was there any objections made by any person, or was any prevented from making such challenges to voters as they deemed proper? —A. I do not recollect any, except an expression made by one of the challengers on the part of George Q. Cannon regarding the breaking up of a meeting held the Saturday night previous in favor of George R. Maxwell. The challenger said that it served them right, and if he could have his way no one should abuse or interfere, in any manner whatever, with the church authorities.

Re-examination:

Q. What proportion of voters were allowed to vote for George R. Maxwell at the city hall without being challenged?

(Objected on ground of being immaterial and irrelevant.)

A. I should say not over a fourth of them, at any rate.

CHARLES D. HANDY.

Subscribed and sworn to before me this 15th day of January, A. D. 1873.

WM P. APPLEBY.
Register in Bankruptcy, District of Utah.

JA'S B. McKEAN:

Question. Judge, what position do you occupy in Utah?—Answer. Chief justice of the supreme court of Utah and judge of the third judicial district.

(Objected to as immaterial and irrelevant.)

Q. Were you the presiding judge of the third judicial district court of Utah Territory during the September term of 1871, when one George Q. Cannon was examined on voir dire touching his competency to sit as juror in the case of "The People against Tho's Hawkins," charged with adultery? and, if so, please state what the questions were propounded, and the answers given.

(Objected as above.)

A. Part of that question I answer "yes;" part of it, "no." I was the presiding judge at the time and in the court mentioned, when George Q. Cannon was examined on his voir dire as to his competency to sit as a grand juror. He was interrogated by Mr. Baskin, acting as public prosecutor, and replied, as I now remember, from memoranda which I made shortly after, and from my memory independently of the memoranda, that polygamy is a fundamental doctrine of the church of which he was a member; that he believed that polygamy is a revelation from God to that church, and that he did not believe that a man living in polygamy is guilty of adultery. That is the substance of what he said.

(Objected as above.)

Q. Was the substance of this statement published in the papers of Utah and commented on?

(Objected as above.)

A. It was in several of the papers—in all that I saw.

Q. Are you acquainted with George Q. Cannon, Delegate elect from Utah; and, if so, is he the same person who made these answers?

(Objected as above.)

A. I know him; am somewhat acquainted with him; and he is the same man who made these answers in court.

Cross-examination:

Q. Did you see the account published in the Deseret News in relation to the examination of George Q. Cannon on his voir dire?—A. I think I did.

Q. Was that statement correct?—A. My recollection is that I read it and regarded it as, in some particulars, incorrect.

Q. Were you here at the election for Delegate to Congress on August 5, 1872; and if you voted; and, if so, were you in any way disturbed in exercising the elective franchise?—A. I was here; I voted, and was not disturbed.

JA'S B. McKEAN.

Subscribed and sworn to before me this 11th day of January, A. D. 1873.

W'M P. APPLEBY,
Register in Bankruptcy, District of Utah.

No. 5.—*Depositions of V. A. Witcher et al.*

UTAH TERRITORY,
Utah County:

In the matter of the contest for the seat of Delegate to Congress from Utah Territory; George Q. Cannon, Delegate elect; George R. Maxwell, contestant.

Depositions taken before Ira M. Swartz, notary public for Utah County.

V. A. WITCHER, a witness of lawful age, being duly sworn, on his oath says:

I have resided in Utah Territory nearly three years; am a lawyer by profession, and am the attorney of George R. Maxwell, the contestant of the seat as Delegate to Congress claimed by George Q. Cannon. The reason why the testimony was not taken at the time and times heretofore designated by notice served upon Mr. Cannon, or left at his house for him, was, that the Hon. O. F. Strickland was absent from his district. Ira M. Swartz, a notary public, was also absent. L. John Nuttal, a notary public, was busy as clerk of the probate court of Utah County, which was then in session, and his services could not be obtained. John McEwan, another notary public, was also busy, and his services could not be obtained. Notice of the taking of the present depositions was served by me on the 20th instant upon Frank Tilford, one of the attorneys of George Q. Cannon, and who informed me previously that he was authorized to accept such notice. I have been at the polls, generally, of every election held in the Territory since I became a citizen thereof. From my knowledge of the people generally, a majority of the persons I have seen vote were persons of foreign birth. I have known some persons to vote who were not naturalized. I have known many instances

self, and a half dozen wives more at almost any precinct in the
tory, if he had only made his application for his first naturalizatic
pers. I am acquainted with George R. Cannon; have known hin
two years. I have heard him say he was a polygamist, and had
wives than one. His general reputation and universal standing i
Territory is that of a polygamist. I am certain that at the late el
for Delegate to Congress from this Territory a large per cent. of p
were either prevented from voting their true sentiments, or from v
at all by the numbering of tickets practiced at all elections in thi
ritory, and by the fear of social and religious persecution and ostrac
they failed to vote the Mormon ticket. I am also certain that Ma
got a majority of the votes at Fairfield precinct, at which place
on the day of election, but was counted out by the commissioner
fact, one of the commissioners wrote a letter by me to the clerk, c
plied to me to see the clerk of the county court and protest again
commissioning or certifying by the clerk of the election of one
Cunington, who was a candidate upon the Maxwell ticket for the
of constable. I do not suppose that they would have protested ag
his election if he had not been elected, but I am satisfied, from my k
edge of the general management and conduct of elections in this
try, that no gentile would be given a certificate if elected, as the cor
sioners of elections are all Mormons, who would reject votes enou
count him out in every county in the Territory.

V. A. WITCHE

Continued until Tuesday, December 24, 1872.

Continued until December 26, 1872, 10 o'clock a. m.

SAMUEL BEE, sworn:

Resides in Pevoo City, Utah County and Territory; am over tw
one years old; am a shoemaker; have resided in Utah over tw
years; have been at the election polls in the Territory many ti
have been there at times for the purpose of challenging and watc

church regarding the voting of mules, dogs, and children not yet born, I have always considered the election in Utah Territory a farce.

In my opinion, any name recommended by the church authorities, as Representative or other public officer, would be voted for unanimously by the members of the church. Many of them would so vote because of their belief in higher power of Brigham Young, he being represented as the vicegerent of God. Many others through fear on account of the numbering of the ballots.

Have never heard a female vote challenged. Have seen females of foreign birth at the polls; am not sure that they voted. They had evidently been here but a short time.

SAMUEL BEE.

JOSEPH A. THOMPSON, sworn, says:

I reside in Pevoo City, Utah County and Territory; am fifty-four years of age, and a lawyer; have lived in the Territory of Utah twenty-one years. I am personally acquainted with Geo. Q. Cannon. He is generally reputed a polygamist and preached the doctrine of polygamy.

It is my opinion that at all elections in this Territory illegal votes are cast. Persons not of age I have known to vote, and persons not naturalized I have known to vote; so far as my knowledge extends females vote without regard to age or citizenship.

JOS. A. THOMPSON.

M. V. ASHBROOK, sworn, says:

I am a resident of Pevoo City, Utah Territory and County; am over twenty-one years old, and by profession, a lawyer; have resided in Pevoo about ten months; was present at the election when Geo. Q. Cannon and Geo. R. Maxwell were candidates for Delegate to Congress. Since coming to Utah I have observed closely the manner of conducting elections. I consider an election in Utah a farce tending to serious consequences. The names of votes are written by the clerks of election with the number of the voter prefixed and the same number placed on the ballot cast so that the ticket might be readily selected from among the ballots cast.

The reason given by Mormons for thus numbering the name and ticket is that the ticket may be thrown out if any question arises as to the legality of the ballot. In my opinion it is to detect any person voting against the ticket approved by the church authority. At the late election the ballots were cast in a box in the shape of a parallelogram with a sliding lid. The receiver of the tickets opened the box and put each ticket in as handed him by the voter, and exposed all ballots previously cast, so that tickets might have been taken out had a person been so inclined. It was several days after the election before the result was published. I saw women vote. Do not know if they were all naturalized; at other elections I saw women vote that were not citizens. I heard George Q. Cannon speak a number of times in church during and since the canvass. He advised the people to obey implicitly the counsels of Brigham Young, and hold themselves subject to his orders in temporal and spiritual affairs. I know that George Q. Cannon is generally reputed to be a polygamist. There is no registry law in Utah Territory. To the best of my knowledge the majority of the members of the Mormon Church are of foreign birth.

M. V. ASHBROOK.

JESSE BUCKNER, sworn, says:

I reside in Pevoo City, Utah Territory; am over twenty-one years old; am by profession a merchant; have been in Utah nine years; have generally been present at the elections held in the Territory during that time; was present at the last Delegate election. In my opinion illegal votes were cast at that election; they were of unnaturalized voters, and children voted to my knowledge that were under age; have known children, that were not twelve years old, to vote. I saw no votes challenged that were voting the Mormon ticket. I knew persons of Tooele County to vote in Salt Lake City. They voted for G. Q. Cannon. Have known Geo. Q. Cannon by reputation ever since I came to the Territory; know him by reputation to be a polygamist. Am satisfied that any one challenging Mormon votes would not be free from insult in a majority of the precincts in the Territory. I have known persons insulted in Pevoo precinct for challenging Mormon voters. In my opinion, the majority of the Mormon voters dare not vote any but the Mormon ticket.

JESSE BUCKNER.

JOHN LEETHAM, sworn, says:

He resides in Pevoo City, Utah Territory; is over twenty-one years old; has resided in Utah Territory twenty-two years. Was once clerk of the city council and city recorder; have been clerk of election in Pevoo precinct. A few years ago, when I was clerk, it was the custom to receive every vote offered. At one time an entire school came to the polls and voted. No votes were challenged, whether American citizens or not. There was no opposition ticket. Have known Geo. Q. Cannon personally about eleven years. I have understood him to be a polygamist for several years. This is his general reputation. He has frequently preached that doctrine; has done so within the past few months. In my opinion, a man not of Mormon faith would have been subject to ridicule, if not insult, had he challenged votes at the last Delegate election in a majority of the precincts of the Territory. I was present at the last Delegate election. Votes were cast by foreigners not naturalized.

I know of instances where persons were elected at church-meeting to civil and political offices. In 1856 or 1857 the city offices of Provo were elected at a religious meeting by the show of hands.

I was city recorder long before I was a citizen of the United States. I have known other men in numerous instances to hold office that were not citizens of the United States.

JOHN LEETHAM.

CHARLES A. ALLEN, sworn, and says:

I reside in Provo City, Utah Territory and County; am over twenty-one years old; by profession a freighter; was born in Sweden. I have been naturalized less than a year ago; have frequently heard of persons of my acquaintance voting who were under age.

C. A. ALLEN.

WILLIAM GAMMON, sworn, says:

He resides in Provo City, Utah Territory and County; am over twenty-one years old; am a farmer. I voted first when I was about thirteen or fourteen years old; have voted ever since, when I was at the polls. In my opinion persons have almost universally voted under twenty-one years old, when they voted the church ticket. I was born in England.

I was naturalized about two years ago. I voted before I was naturalized. Have frequently heard of persons voting who were not naturalized.

W. GAMMON.

STEPHEN B. MOORE, sworn, says:

Reside in Provo City, Utah Territory and County; am over twenty-one years old; am a miner. I was present at the last Delegate election; cannot swear that illegal votes were cast. I have voted in Utah Territory before I was twenty-one years old; have known many others to vote who were not twenty-one years old; have seen children vote when old enough to tell their names; have seen children led to the polls by their parents and vote. To the best of my knowledge and belief, persons have voted by proxy in Utah Territory. In my opinion, illegal votes were cast at the last Delegate election. I saw a Danish woman go to the polls and ask the judge whom she should vote for, where to put her ticket, &c. She wanted to vote the church ticket. Father voted for Maxwell two years ago, and for this reason—his card of membership to the school of the prophets was taken from him, and the church influence brought to bear against him in his business affairs.

S. B. MOORE.

THOMAS GAMMON, sworn, and says:

Reside in Provo City, Utah County and Territory; am a farmer, and over twenty-one years old; have lived in Utah nineteen years. I was naturalized about nine years ago. I voted before I obtained my naturalization papers. I know George Q. Cannon by general reputation. He is generally known to be a polygamist. In my opinion persons voted at the last Delegate election who were not naturalized or twenty-one years old.

THOMAS his + mark. GAMMON.

I certify that the foregoing is all the testimony taken before me at Provo City, Utah Territory, in the matter wherein George R. Maxwell is contestant for the seat of Delegate to Congress against George Q. Cannon, Delegate-elect.

IRA M. SWARTZ,
Notary Public.

PROVO CITY, UTAH, *December* 28, 1872.

[No seal.]

No. 6.—*Deposition of Abraham Taylor.*

A.

JANUARY 13, 1873.

ABRAHAM TAYLOR, sworn:

Question. Mr. Taylor, state your age, name, and place of residence.

(Objected to on the ground that his name is not on the list of witnesses, and that no notice has been served on George Q. Cannon of the taking of this witness's testimony.)

Answer. Abraham Taylor; sixty-six years old; reside on Third south street between Third and Fourth east.

Q. How long have you been a resident of Utah?—A. Nineteen years the past October.

Q. Were you ever a member of the Mormon Church; and if so, when, where, and how long?—A. I was a member of what was called the Mormon Church; but I should call it the "Brighamite Church." For ten years I was an elder in the church.

Q. What is an elder?—A. I belonged to the high priesthood, and was a "seventy."

Q. Did George Q. Cannon belong to the high priesthood?—A. I know from the position he occupies.

Q. In that church what is the meaning of counsel?—A. The counsel is supposed to be an authority in that church to give instruction to all its members. Its instructions amount to an order in all things temporal or spiritual, and in all things from planting a row of beans to darning a stocking, as Brigham Young said in Cottonwood. The former he said in Cottonwood, the latter in this city.

Q. What are the endowments?

(Objected to on the ground that it is immaterial and irrelevant.)

A. There is such a thing as an endowment in the church.

Q. Have you been through the endowment-house?

(Objected to.)

A. I have.

Q. Is that a secret affair?

(Objected to.)

A. Yes, sir; except to those who go through it.

Q. Do all elders go through the endowment-house?—A. They do not; it is not a necessity. There are obligations taken there. I have taken them. The nature of the obligation is that they shall not divulge what is transacted in the place, (in the endowment-house.) The first is that if I do I shall have my throat cut from ear to ear; that I shall have my heart torn out, and that I shall have my bowels let out; and in so doing I have to draw my hand across my throat, put my hand upon my breast, and draw my hand across my bowels.

Q. Is there an obligation to obey counsel in all things under these penalties?—A. Yes.

Q. Is there an obligation to avenge the death of Joseph Smith?—A. Yes.

Q. Upon whom?—A. The Government of the United States.

Q. Have you, by making these revelations, rendered yourself liable to these penalties?—A. Certainly; my life has been jeopardized for ten years in consequence.

Q. Since your residence in the Territory, so far as you know, have all elections been controlled by the priesthood through their obligation in the endowment-house?—A. Almost exclusively.

Q. Would a Mormon in good standing dare vote contrary to counsel?—A. Very few; and if they did, would jeopardize their standing and render themselves liable to be persecuted and wronged, and deprived of a livelihood, and in extreme cases would be liable to the penalties of the endowment-house if they persisted in their obstinacy.

Q. Were you ever asked to go to the polls and vote when you were not a voter?—A. Yes, sir; by Mr. Slade, in the capacity of a teacher. He asked me to go and vote, and brought me a list of the names. They were expecting opposition at that time from the "Gentiles" here. I told him that I had no vote, that I hadn't taken my papers out as a

citizen. He said that didn't matter, if I went and voted that ticket. I asked him, if I should vote; whether he would expect me to vote the whole of that ticket. I told him I would not vote at all, unless I could vote as I pleased; and he said I had better not go to vote at all.

Q. Do you know of any person or persons who have been killed for violating counsel or for leaving the Mormon Church?—A. Yes.

Q. For which, violating counsel or leaving the church?—A. For leaving the church, but they are about synonymous.

Q. Who were they?—A. One was Joseph Morris, John Banks, and another, I do not recollect his name, a Danish man; Mrs. Bowman. There were four more women, but I can't recollect their names just now. One child had its head blown off by a cannon-ball.

Q. Were you present?—A. Yes, sir.

Q. What are the Danites?—A. I understand them to be an order to take the lives of those that are obnoxious to the ruling priesthood.

Q. Are they a portion of the priesthood?—A. They are supposed to be an order by themselves. Of course they are an order of the priesthood, as they are all in the church, and would not be trusted unless they were. My life has been threatened and attempted to be taken many times.

Q. Is there an obligation taken in the endowment-house of enmity to the United States Government?—A. Yes, to avenge the death of Joseph Smith upon them, the Government.

Q. Is it understood among the Mormons that the United States are the enemies of the Mormon people?—A. That has been taught generally from the public stand. I heard one of Brigham Young's counsellors denouncing the United States Government, and damn them in the most savage manner in the public meeting, by Jedediah M. Grant.

Q. Was George Q. Cannon present?—A. I don't know that he was in the Territory at that time.

Q. What position does George Q. Cannon now occupy and has occupied for a long time now last past?—A. An apostle, one of the twelve; but lately he has been one of the counsel to Brigham Young. I have understood him to be such.

Q. Is he a polygamist?—A. That is what he is reputed to be, but I don't know.

Q. How far does that repute go?—A. It is universal in this Territory.

Q. Have you ever heard him from the stand preach polygamy?—A. No; I never heard him preach but once.

Q. From your knowledge of the church, could a man be a counsellor for Brigham Young without going through the endowment-house?—A. No.

Q. What position does Brigham Young occupy in the Mormon Church, and how long has he occupied that position?—A. He is prophet, seer, and revelator to the Church of Jesus Christ of Latter-Day Saints in all the world; or, in other words, God's vice-gerent or pope; and I have heard him set forth by one of his counsellors as God, and the only God that we should ever have anything to do with; that we should have to get our passport from him for the celestial world—or, more explicit, from him alone; and I knew one man that was cut off from the church and his life jeopardized because he refused to acknowledge Brigham Young as God. This man was Father Stiles, (he was called Father Stiles,) the father of Judge Stiles. The counsellor who made the assertion that Brigham Young was God was Heber C.

Kimball, Brigham's first counsellor. To my knowledge Brigham has occupied the above position for the last twenty years. Brigham is also president of the church.

JANUARY 15, 1873.

Cross-examination of ABRAHAM TAYLOR:

Q. When did you first join the church?—A. The latter end of 1848; I think November, 1848, in Nottingham, England. I was a book-agent. I started from Liverpool for America, January 5, in 1850. I came to St. Louis in March of that year. I remained in St. Louis two years, as near as I can recollect. I started for Salt Lake, I think it was in May, 1853, and landed at Salt Lake in October. I begun to peddle in Salt Lake, and peddled to March or April next year. I started a little store on East Temple street, where the Tribune office is now. I kept store there about four or five months. I then kept store below, near this place, for about a year, and then moved to another, I think where Mattise's place now is. The thing is changed so I can hardly recollect. I kept store there till the Mormon rebellion, in 1857. Then I moved to Provo, in March, 1858, and kept store there. I came back to Salt Lake: I think it was some time in August, 1858. I took my store-goods up to my house. I kept store there but about three or four months, and then moved up on Main street, (East Temple,) to the place I first kept store, where I think it would be about a year and a half I kept store there; would not be positive. I belonged to the Mormon Church, and sustained them till the latter end of 1859. It was in the latter end of 1859, I think, I moved away from the store on East Temple street. I was backing out from the church at that time, or was dissatisfied in consequence of the oppression, and more especially the occurrence of the Mountain Meadow massacre and the murder of the parishes. I went up to Heber to hear Joseph Morris, and afterwards joined what is called the "Morrisites." I continued there the principal part of my time, coming down occasionally, perhaps once a week, to my family residence in Salt Lake. I remained there with the Morrisites from May, 1861, to July, 1862. I left the Mormon Church before I joined the Morrisites. I protested about a year before I went to Heber, in the Twelfth ward school-house, before Bishop Hardy and others, against the high crimes, which I considered I had good reason to believe had at least the sanction, if not ordered by them, (by the authorities,) and declared myself no longer a member of that church. If that was Mormonism, I had done with it, and I washed my hands of it; that it was very contrary to what I had been taught. When I came from there I went to prison: they brought me down a prisoner. They kept me there a day or two. I was bailed out with the rest. They compelled us to be bail for each other, taking our names, and in most cases without our consent, that is, to be bail for each other, and I was one that did not consent. We were bound over till the next March term of the third United States district court. I mean the third district court for Utah, presided over by a judge appointed by the Government of the United States. I went to the penitentiary next; the sentence of the court was ten years. I was accused for murder in the second degree, although I never fired a gun nor struck a blow, and they had not the least proof before the court. I was tried by a jury. I staid in the penitentiary three days; the governor pardoned us; there were seven of us. The governor was Harding. I came home to my residence in Salt Lake City to live there, but the marshal of the Territory sold my cow, wagon, horses, and my house and lot, while I went up to Camp Douglass about business; the mar-

shal came with seven others. I went up to Camp Douglass to live. I lived at Camp Douglass seven years, and myself and wife worked about the camp generally. I think I have been away from Camp Douglass two years and a half now. I have lived in my old house which I recovered from the district court. I have been engaged in peddling and running a job-wagon up to within the last eighteen months. During the last eighteen months I have been keeping store at my own house. I am not acquainted with all the orders in the Mormon Church.

Q. Repeat, as nearly as you can, the oath you took in the endowment-house to avenge the blood of Joseph Smith?—A. The exact terms I cannot recollect, but the substance of it was that I should avenge the death of Joseph Smith against the Government of the United States, and teach it to my children and children's children.

Q. Are you sure that the Government of the United States was mentioned in any of the endowment ceremonies?—A. It was; and I distinctly recollect that it was incorporated in the covenant.

Q. You state in your direct examination that one Joseph Morris, John Banks, and others were killed. Was there not a writ issued against these parties by the United States courts?—A. Yes; I suppose there was.

Q. Did they resist the execution of this writ?—A. They did not comply with it.

Q. Was there, or was there not, a posse called out to arrest them?—A. I suppose there was.

Q. Were these parties spoken of killed at the time of the arrest?—A. Yes; they were killed after the arrest.

Q. At the time you were selling goods on Main street, what kind of goods were you selling?

(Here the contestant desired the time not to be taken up in answer to questions wholly irrelevant, the witness requesting permission to make the answers.)

A. I was selling a general assortment of goods. I don't know whether I had any second-hand goods on hand or not.

Q. Did you purchase any clothing of a man named John Baptist?—A. I bought a vest of him, I think, and probably a coat, when he was in great necessity, of a very superior quality, that he brought from Italy. To the best of my recollection this is all I bought from him in the clothing line.

Q. Did he ever leave any clothing there for you to sell on commission?—A. Not any that I know of, except what I speak of.

Q. How long, to the best of your knowledge, had you been acquainted with John Baptist?—A. I think either three or six months.

Q. Was John Baptist arrested after this time for robbing graves?—A. Yes, I think about two years after he was. At the time of his arrest I was at Heber, and I was informed while there that Brigham Young asked him, while in prison, if he had not sold clothes that he had taken from the grave-yard to me, wishing to implicate me in the affair, and that John Baptist told him that he had never sold anything of the kind to me; that he had had dealings with me, but not since he had commenced robbing the dead, or taking garments off the dead, and fully exonerated me. I only heard of it at the time, but don't know that I was ever accused of it by the public, and never heard anything of it again until Mr. Miner asked me the question under similar circumstances to this.

Q. You say in your direct examination that you heard Jedediah M. Grant preach against the Government of the United States. About

what time was this?—A. About 1855. I testified two years ago about the matter in the contested election between George R. Maxwell and William H. Hooper. To the best of my recollection, my testimony at that time was in substance what it is now, but not so extensive or lengthy, I think.

Redirect examination:

Q. Were there any writs issued against those women and the child killed alluded to in your direct examination?—A. There was not.

Q. State, as nearly as you recollect, the circumstances attending the killing of those persons alluded to.—A. There was a posse made their appearance on the hill south of the camp or fort on the 13th of June, 1862, and there was a note sent down to us, (I was one of the camp, of course,) by a boy that was herding for us, to give up Joseph Morris and several others on a writ of *habeas corpus*, but nobody else presented anything, or came to arrest them—into the fort. The note purported to come from R. T. Burton, I think, he having command of the posse, and informed us, if we didn't give up these men, to put our wives and children out of the way, as force would be used. The bugle was sounded for all the people to come together, and the note was being read, and the people were consulting whether to comply with it or not. In a quarter of an hour from the time that we first got the note we were assembled, but, while that was under consideration, a cannon-ball came into the bowery, and killed two women and shot a girl's chin off. We then dispersed into our houses; but, in dispersing, the balls from the cannons flew in all directions, and this was continued with rifles and cannon from about seven hundred and fifty to a thousand men for the space of three days. At the end of the third day they approached very near the camp, on the Sunday night of the 15th of June, when one of our company hoisted a white flag, in doing which he was near being shot down. He was fired at several times. We all surrendered, when Robert Burton, Judge Stoddard, (called Judge Stoddard,) and several others rode into the fort, accompanied by a great number of the posse, when Robert Burton said he "commanded peace in the name of the God of Israel," and ordered us to stack our arms, which was complied with, and a great number of the posse formed themselves in line between us and the arms where we had stacked them; when Mr. Burton was asked by John Parsons what terms he offered, and Burton replied he wanted every man found in arms. We all presented ourselves before him, or the greater part of us did, surrendered ourselves as prisoners; but many of the women and children were among us, and could not be prevailed on to leave us, believing that they intended to shoot us all down, from the attitude assumed by the posse, which stood with their arms ready, and they preferred to die with us. I myself persuaded my wife and child to go home, and accompanied her a very short space; and while absent John Banks, Joseph Morris, Mrs. Bowman, and Mrs. Swanigg were shot. I didn't see them shot myself. I had to depend upon the statement of those that did see for the fact.

Q. Why did you leave the city of Salt Lake and go to Camp Douglass to live?—A. Because I was turned out into the street, and had nowhere else to go, nobody daring to take me in if they had been so disposed, it having been given out through the wards, and the teachers had been round prohibiting any one to take us in or to rent us rooms or give us employment.

Q. Under whose protection were you at Camp Douglass?—A. I was under the protection of the United States Government, General Connor being in command of the fort.

Q. Did the alleged crime, for which you were sentenced to the penitentiary, arise out of the circumstance which you have related?—A. Yes; and nothing else. I was never accused of crime before. My character was spotless. I would state, in explanation, that George Q. Cannon is not nominally one of the counsellors of Brigham Young, but I understand is his principal one, in fact.

ABRAHAM TAYLOR.

Subscribed and sworn to before me this 15th day of January, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

Counsel for George Q. Cannon protests against the correction of the deposition of Abraham Taylor, when the same was read over to him, in the body of the deposition, and insists that the correction should be made at the end of the deposition, if any is made. Objection of George Q. Cannon's counsel overruled, and correction on the fourth page of the eighth sheet made by inserting in the 18th line the following words: "About a year before I went to Heber, in the twelfth ward school-house, before Bishop Hardy and others, against the high crimes, which I considered I had good reasons to believe had at least the sanction, if not ordered by them, and declared myself no longer a member of that church. If that was Mormonism I had done with it, and I washed my hands of it; that it was very contrary to what I had been taught."

Correct:

WM. P. APPLEBY,
Register in Bankruptcy.

No. 7.—*Deposition of Walter Mansfield.*

WALTER MANSFIELD, sworn:

(The testimony of this witness is objected to, as stated in the first portion of the testimony taken before William P. Appleby, on the ground that no notice was given in compliance with the act of Congress; and it is hereby agreed that objections may be taken by either party to any question or answer, at any time before the hearing before the committee, to this witness or any other witness hereafter examined.)

Question. How long have you been a resident of Utah?—Answer. Ten years.

Q. Were you ever a member of the Mormon Church?—A. Yes; I was baptized in the year 1851, and excommunicated five or six years ago.

Q. Are you acquainted with the organization of that church?—A. Yes, I was; and was an elder of the order of Melchizedec.

Q. What has been your occupation since your excommunication?—A. I have been sexton to the Episcopal church a good while, and since then janitor at the Liberal Institute.

Q. Do you know anything about an endowment-house said to exist in the Mormon Church?—A. Yes, sir.

Q. Have you ever been through the house, and passed through the ceremonies and taken the obligations therein given?—A. I have been through that house, and passed through the ceremonies and heard the obligations which were read over to me there.

Q. Give, as nearly as you can, a history of your passage through that house; what you saw; the obligations given by the authorities there, and received by you and others at the same time—all about it.—A. It was on the morning succeeding the murder of President Lincoln that I went into that house and received the endowments. The first ceremony was the ordaining me an elder. Next I was taken into another room and stripped, or I stripped myself, and got into a bath, and received the washing, by J. D. T. McAlister, with water. He anointed me with some oil taken from a horn—olive oil I expect it was called; sacred oil, anyhow, and sanctified and blessed, or made sacred for the anointing of the persons of the saints. Well, they gave me a new name, or whispered it my ear, which I dare not tell, or I will lose my part in the first resurrection; but it was Joseph. The fact of my telling anything shows that I have broken faith. Then I had the first article of the new clothing, called the holy garment, put on me by J. D. T. McAlister. Put your right leg into the right leg of the garment, and your right arm in the right arm of the garment, and then the left leg and left arm the same, and tie up on the throat. Buttons won't do; take strings. It has a great, clumsy collar. We are led out into another room, where other men are dressed in the same way, who have preceded me and are now waiting for me, and others coming up. Then we go into the Garden of Eden, a room representing the Garden of Eden, with vines, pictures, &c., representing the garden. I do not recollect the exacte routine, but I believe it was there I heard three or four voices representing gods, called Yahova, Eloheine, and Michael, and one voice shouts to another, "Let's go down and make a world.". They call each other by name. It is a parody on the first chapter of Genesis. After this you have real personages; you only hear voices before. They come into the room, one or two at a time, and take part in the drama. One comes there taking the part of the Devil, or Satan, and he wants you to partake of the fruit. This was old Judge Phelps. A woman represents Eve, who was represented by Miss Eliza Snow. Satan, or Judge Phelps, asks her to partake of something in his hand. I am told it was small seeds, which she finally takes. Then a character representing one of the gods comes in and orders the man and woman out of the garden. The men and women all meet in that room, dressed in their garments. The women are dressed in another room, and meet in the garden with the men. A man's arm and a sword come through a canvas or screen, representing the flaming sword. They are conducted out of that room then and conducted into another. Here they are clothed with another robe over the garment, and an apron, representing the fig-leaf, over the robe. In another room I think three men, representing the characters of Peter, James, and John, come in and preach. They say they have been preaching to the world; that the world cannot be saved without coming into this Mormon Church. Then oaths are administered. An oath was read over to me to avenge the blood of Joseph Smith, the prophet, on his murderers, the Government of the United States. The next I remember is a room with a veil screening off one portion. One man represents Adam, and a woman Eve, the man's wife. A man's hand comes through a slit in the veil, with a pair of scissors, and cuts the figures of a compass on the left breast and a square over the right in the garment. The robe is loose, and is pushed aside, so as to cut the garment. The left arm is raised from an obtuse angle to represent an open compass; the right arm raised so as to form a right angle to represent a perfect square. The penalties for divulging any of the secret workings of that house are read over to you. The right arm is

thrown out and brought round to the left shoulder at a full sweep, accompanying these words, "May my throat be cut from ear to ear if I reveal any of the secrets of that house." Then the right hand is put over the heart, accompanied with this expression, "May my heart be torn out." Then a sign like cutting the bowels perpendicularly upward, accompanied by these words, "May my bowels be ripped up." The man passes through the veil to the inner side, and the woman comes up to the veil on the outer side, and they two face each other, touching the screen intervening, the knees pressed against each other. The woman whispers her new name to the husband on the other side of the veil. Then the woman passes through the veil to her husband. This gives the power to the husband to call her up at the resurrection by her new name. Their proper family-names are entered into the church-books by a recorder in that room, after which you proceed to another room, where you are married for all time and eternity. This is the sealing process. They then pass down stairs to the first room by another route, and put on your clothing, and leave, taking your holy clothing with you. They are put by for your funeral sermon, or when you take another wife. The garment is worn thereafter all the time, except in cases where cleanliness requires them to be changed, when it is taken off, part at a time, and the clean one put on, so that the garment is never entirely off. This is all I remember of the endowments just at present.

Q. Is there any obligation taken there to obey the priesthood in all things, under these penalties?—A. That is one of the obligations taken under these penalties—that you must obey the priesthood in all things, spiritual and temporal; they both amount to the same thing; everything is eternal. Heber Kimball made an address to me and the others present in one of the rooms, I think, after we were fully clothed in the garments which would be in the robe, garments, moccasins, cap, and apron, the women having, in addition to the cap, a veil. He said he should want the brethren to be very faithful, and join the "Nauvoo Legion," for he should want them to fight one of these days. "When you go out of this house you will see flags at half-mast all around, for the Lord has cut off one of our greatest enemies. That Abraham Lincoln has been murdered, the news just having come to the city." Says he, "Look at brother Heber's house, and see if he hasn't got a flag at half-mast, (spoken ironically,) and thus the Lord will cut off all the enemies of this church and kingdom."

Q. Is it, or is it not, taught to the members of the church that the United States are enemies of the people of Utah?—A. Yes, it is taught. I have heard Orson Hyde preach it from the stand in the Tabernacle. I have always understood it so; have been taught so, and heard others say so.

Q. Are the people of the United States included among those who are to be cut off and destroyed?—A. The people of the United States are first to be wiped out, and then all other nations or powers in succession, except those who join the church. This is their wild dream of fanaticism, and has been publicly and privately taught.

Q. From your knowledge of the church thus gained, can a man, having gone through the endowment-house, still considering his obligations binding, be a loyal citizen of the United States?—A. It runs in direct conflict; he cannot; he may assume it, which he is taught to do.

Q. Are those obligations taken in the endowment-house considered paramount to the laws of the United States?—A. They are said to excel all other laws; to be the first, because they are said to be the laws of God.

Q. Is there an oath taken in the endowment-house of enmity to the United States Government?—A. Yes. Heber Kimball administered one to me of enmity to the Government of the United States, to avenge the blood of the prophet, and told me afterward in an address that I was to buy arms and equip myself, and always have them ready on hand for fighting when called on; to attend drill.

Q. Do the directions or counsel of the priesthood extend to matters of election?—A. Yes, sir, to obey all things, and that is one of the things.

Q. Have you ever been threatened by the police of Salt Lake City with paying the penalty of your obligation for acting contrary to the will of the priesthood in matters of election?—A. At General Maxwell's first election, at the Ninth-ward school-house precinct, accompanied by one George Harrison, a policeman by the name of Smith came up to the polls and insulted us both, and said if he was like us he should expect to have his bloody throat cut, and, in an insinuating way, told us we had better leave. I inferred from his manner that we had better leave, for fear of getting our throats cut as penalty for disobedience to the priesthood.

Q. What is blood-atonement?—A. Their own printed works testify that it is a necessary thing for the salvation of their souls, after having broken their covenants, referring to a passage in one of the epistles of John, which says: "There is a sin unto death. I do not say that he shall pray for it." This the Mormons pervert into blood-atonement.

Q. Were you present at any of the polls at the last election?—A. Yes, I was present. Was present the whole day, as challenger for Maxwell, in the same precinct as on the former occasion. Everything, I believe, went on tolerably well that day. I was treated tolerably well. I noticed the account given of the ballot in the papers next morning, and believe it was quite correct.

Q. Have you ever been threatened or annoyed in consequence of having withdrawn from the Mormon Church and violating the counsel of the priesthood?—A. I have been annoyed. I have ever since kept myself under the protection of the Gentile community. I have worked with them; have got my employment among the Gentile people. I have reason to suppose for a long time after, from private information given by a special friend, that I had better look out for myself.

Q. According to the teachings of the Mormon Church, is it, or is it not, the duty of a faithful member, when testifying in a court of justice in a case between a Mormon and a Gentile, to cast the weight of his evidence, even to the withholding of and coloring the truth, in favor of the Mormon?—A. That is my firm conviction.

Q. Is George Q. Cannon, Delegate-elect, generally known or reputed to be a polygamist?—A. In all Mormon circles which I have been in he is generally said to have four wives, where the subject was mentioned at all.

Adjourned till Tuesday morning, at 10 o'clock.

AFTERNOON. *January* 14, 1873.

Cross-examination of WALTER MANSFIELD:

Q. Mr. Mansfield, what time did you come to this Territory?—A. I came to this Territory in 1862.

Q. Where were you first baptised into the Mormon Church?—A. In the city of London, England, by one Elder Savage, of the Mormon Church.

Q. Where did you reside at that time, and what was your business or occupation?—A. A cabinet-turner, and resided in the parish of Bethel Green. I removed from there some time after to Ireland. My principal business there was teaching the doctrine of the Mormon Church. I continued to reside there till the early part of 1860, the very early part. I crossed over into London again. There I joined the emigration which was coming out in the ship Underwriter in March, 1860, for America. From the year 1860 to 1862 I resided in Germantown, Philadelphia. I followed the business of stocking-weaver there. There were a good many old Mormons there. I came to this valley in the month of October, 1862. I remained a member of the Mormon Church from 1862 to 1866, about. While I was in the church I was sincere in my principles, and believed in the doctrines of the church. My position in the church was such that I understood the workings of the church, so far as my position would allow. I could not, of course, get into a higher quorum than my position allowed me to.

Q. When you took the oath which you have mentioned, in the endowment-house, did you take them in good faith?—A. Yes, I did. They were proffered to me, and I was sincere.

Q. How long after you took these oaths did you remain sincere?—A. Until I began to read other books, which was, perhaps, about a year after. There I gradually lost my faith in the Mormon Church and withdrew my allegiance. I am not a member of any church just now, but search for truth wherever I can find it. I became a citizen of the United States after I had taken my endowment-oaths and severed my connection with the church. During the time I resided in Ireland and England I observed the laws of the land, and was friendly to that Government. When I came to America I felt friendly to the United States till I was otherwise taught in this city, by visiting teachers and at ward meetings, which was soon after coming in. After that I did not feel friendly to the United States, but entered fully into the spirit of the church.

Q. Repeat, as nearly as you can, the words of the oath you took in the endowments to avenge the death of Joseph Smith.—A. That I should obey the priesthood implicitly, and hold an enmity against the Government of the United States, and avenge the blood of Joseph Smith and the prophets and apostles slain in this generation. From the oath I inferred that the death of Joseph Smith was to be avenged upon the goverment of the United States, which was further confirmed in my mind by being ordered to arm and equip myself and be ready for war at any time.

Q. After you had taken a portion of the obligations in the endowment-house, and knew what they were, did you not have an opportunity to withdraw?—A. I don't know; I didn't try. There was no offer made when I went through, and I never heard of such an offer being made. I took all my obligations in good faith.

Q. When you say that the Mormon people believe all people excepting those belonging to the Mormon Church will be destroyed, is not that doctrine based on the fourth chapter of Malachi, third verse, which says, "And ye shall tread down the wicked, for they shall be ashes under the soles of your feet in the day that I shall do this, saith the Lord of hosts?"—A. That and many other similar passages of scriptures; also, their own book of doctrine and covenants.

Q. Are these instructions which you have spoken of in relation to elections given secretly in the endowment-house, or by the speakers in the stands?—A. It is implied in the obligation of implied obedience in all

things, and is also taught by teachers going around visiting families; and I was also taught by Mr. Sloan and others in the Eleventh ward meeting-house.

Q. Were you ever asked or told to vote for any person or ticket in the endowment-house?—A. No, I was not. There was nothing said about it there to me or to others. At that time no stir was being made in elections, and no opposition to the orthodox ticket, to the best of my knowledge.

Q. Is it not a part of the Mormon faith, and was it not taught to you by the leaders of the church, that the Constitution of the United States is an inspired document?—A. It wasn't taught to me, though I heard it was from others.

Q. Do you know, of your own knowledge, any organization belonging to the Mormon Church known as "Destroying Angels" or "Danites?"—A. Of my own personal knowledge I do not know it, but I firmly believe it. It being a secret order, and I not being a member, of course I could not swear on oath.

Q. Did you ever know of a meeting of any such order?—A. No, sir: for the same reasons.

Q. How large is this endowment-house, which you have spoken of on the outside?—A. I can't say exactly; I have no present judgment about it.

Q. At the time you took your endowment did you see in the house anything improper or obscene?—A. No.

Q. Did you say in your direct examination, that it is one of the duties of a faithful Mormon, in testifying in a court, between a Mormon and Gentile, to cast the weight of their evidence, even to the withholding or coloring of the truth, in favor of the Mormon?—A. I believe it is the duty.

Q. When you were a member of the Mormon Church would you have lived up to that portion of the doctrine, as far as you could without being detected in it?—A. Such a thing was never tried upon me; but if such had happened I should have obeyed the inner admonitions of conscience.

Q. At the time you were a faithful member of the Mormon Church, which you have stated, was not your conscience guided and controlled by that church?—A. In a very great degree, but not to the extent of murder, robbery, or perjury, or other high crimes.

Q. Did you ever know any one to be instructed to speak anything but the truth, in court or elsewhere; and if so, who was the person instructed, and who instructed them?—A. I don't remember just now.

Q. You say it is a doctrine in the Mormon Church that when a person has sinned beyond a certain degree, it is necessary to take his life in order to save his soul; do you suppose that the Mormons have a sufficient regard for the saving of your soul to put you in any danger?—A. I shall trust to God, and "keep my powder dry."

Q. Are you in the habit of carrying arms?—A. Yes, I am in the habit of carrying arms when I am out late at night.

Q. When you say that the Mormon people are taught to assume loyalty to the United States, is this doctrine taught publicly?—A. Visiting teachers have come round and taught it to me.

The cross-examination of this witness lasted two hours and twenty minutes.

Redirect examination:

Q. Would the oath of a Mormon, having gone through the endow-

ment-house, still considering himself bound by the obligation, be entitled to credit as to what occurred in that house, or as to the obligation therein taken?—A. I would not give him credit myself if he was in good standing. Other people may judge for themselves.

Q. Were you cut off from the church at your own request?—A. Yes, sir.

WALTER MANSFIELD.

Subscribed and sworn to before me this 14th day of January, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy.

No. 8.—*Deposition of James Wood.*

TUESDAY, *January* 14, 1873.

JAMES WOOD, sworn:

(The testimony of this witness is objected to on the ground that no notice has been given of the taking of his deposition as required by the act of Congress touching elections.)

Question. Where is your place of residence?—Answer. Salt Lake City, Utah Territory.

Q. How long have you been a resident of Utah Territory?—A. Two years in the early part of February next.

Q. Were you present at the city-hall in Salt Lake City on the 5th of August, 1872, at the time of the election for Delegate to Congress from Utah?—A. I was there from about 9 o'clock in the morning of the election. I remained there till they adjourned at noon. I returned again before the voting had commenced in the afternoon, and remained there until the polls were declared closed.

Q. State what occured there at the election.—A. During the voting nearly every one who did not vote the Mormon ticket, so far as I could judge, were challenged, and, in fact, seemingly every one who was a Gentile, or who voted for General Maxwell. The question of tax-paying was in many cases put or raised to the voter, and he debarred from voting if he said he or she had not paid his taxes. So far as the women are concerned, I could not say positively as to whether the question of taxes was raised to them; I am inclined to think not. Very many were also debarred from voting because they had not resided in the precinct six months. These parties who were prevented from voting were voting what was called the Maxwell ticket. There were very many women voted. Some when being challenged stated that their husbands were citizens of the United States, and that her right to vote hinged upon the fact that her husband was a citizen of the United States, and that she herself had not been in the United States but a short time, not five years. One in particular could not speak the English language, nor could she understand when spoken to in the language, and Mr. Hermann was obliged to address her in Swedish, and act as her interpreter for her. And very many of these women voting, as far as I could judge, were very young. The votes of the women alluded to above were all received. There were several there who voted that I should judge were between the ages of sixteen and nineteen years.

Q. State whether or not, in your opinion, the power of the Mormon

Church was brought to bear to induce persons to vote for George Q. Cannon for Delegate to Congress, and your reasons for holding such opinions.—A. I think the power of the Mormon Church was brought to bear. Those voting the Cannon ticket were not challenged or badgered by the Mormon people, whereas those voting the Maxwell ticket were almost invariably challenged. I'll here state that some Mormons were sent or told this was the wrong precinct for them to vote, and told or directed where their voting-precinct was. The police were active in challenging the Maxwell votes, during the time they were on duty in preserving order around the polls, &c.

Q. Are you acquainted with George Q. Cannon, Delegate-elect?—A. Yes, I am acquainted with him by general reputation, and know the man when I see him; have heard him preach in the Tabernacle.

Q. Did you ever hear him preach in favor of polygamy?—A. I heard George Q. Cannon's sermon in the Tabernacle. It was then reported to be his first sermon since his arrival from the East. I think it was in February or March, 1872. He spoke there of the beauties of Mormonism; referred to the coercion being used in regard to polygamy. I think that his closing remarks were "We must try to get in with polygamy if we can, without it if we must," and he closed the Bible or book, and his last remarks were made the subject of considerable talk (criticism) about the streets for a day or two.

Q. State whether or not George Q. Cannon is generally reputed to be a polygamist.—A. From the information I have gathered, he is reported to have three or four wives. This reputation extends throughout the Territory. The names of the wives I have heard; Mary Jane Hoagland, I have since heard it was Elizabeth, and think it is; then there is a Sarah Jane, Jenney or Jinney, and another one's name, Mary. The fourth wife, I have been unable to get her name. I have been told that his first wife has four children; the second wife, I am told, has four children; third wife, I am told, has one child, and her name (the wife's) Eliza; then the fourth wife, I am told, her name is Martha, and I am told she h three children. I have refreshed my memory from memoranda. From what I heard, I believe is to be the case.

Cross-examination of JAMES WOOD:

Q. In the best of your judgment, how many votes were challenged that day, and how many voters were rejected?—A. From twenty to thirty, to the best of my knowledge, were rejected.

Q. How many of the women of whom you speak, as being between the ages of sixteen and nineteen, in your judgment, voted?—A. I should say there were from fifteen to twenty.

Q. What was the proportion of male and female votes?—A. I think there were over a third female votes.

Q. In your direct examination you say George Q. Cannon spoke of coercion being used in regard to polygamy. Was the coercion referred to the coercion on the part of the United States to prevent polygamy?—A. That was the inference I drew, that it was the coercion of the authorities of the United States.

Q. State whether or not you have prepared a list of the names of those whom you were told were Mr. George Q. Cannon's wives, and the number of their children.—A. Yes, I did.

Q. How long have you been preparing that list?—A. Not long; I shouldn't say I had devoted more than a day's time to it; probably not as much.

Q. State, as near as you can, the time when you first commenced to make it.—A. Six or seven days ago. I made it at Mr. Maxwell's request.

Q. In what places have you exercised the elective franchise?—A. In California and Montana.

Q. Was not the election which you witnessed here conducted as peaceably, quietly, and orderly as in any place where you have exercised the elective franchise?—A. Yes, it was.

Redirect examination:

Q. How long have you been in the habit of attending elections?—A. Twenty to twenty-two years.

Q. During that time have you or have you not in any other place than this seen the police, while on duty, engaged in peddling tickets or challenging voters at the polls?—A. No, sir; I have never seen it.

Q. What proportion of those female voters you spoke of were foreigners?—A. A large proportion; between a third and a half.

JAMES WOOD.

Subscribed and sworn to before me this 15th day of January, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

No. 9.—*Deposition of Sarah M. Pratt.*

JANUARY 15, 1873.

SARAH M. PRATT, sworn:

Question. State your name and place of residence.—Answer. My name is Sarah M. Pratt; Salt Lake City my residence.

Q. How long have you resided in Utah Territory?—A. Twenty-one years; all but three years of the time in Salt Lake City.

Q. Are you the wife of Orson Pratt?—A. I am.

Q. Are you acquainted with George Q. Cannon and his family?—A. Yes.

Q. How many reputed wives has he?—A. He has three reputed wives and one wife.

Q. What is his wife's name?—A. Elizabeth Hoagland, before he married her.

Q. Were you acquainted with her before he married her?—A. I knew her; not particularly acquainted with her. I knew her family.

Q. Is she now living?—A. I never heard of her death. I presume she is living.

Q. What are the names of his reputed wives?—A. The first one that he took after his wife was Sarah Jane Jenney; the next was Eliza, I think; the other name I do not remember; the third one was Martha Terry, I think.

Q. Has George Q. Cannon ever introduced any of his pretended wives to you as his wives?—A. Yes.

Q. Who were they?—A. Martha and the one called Eliza.

Q. Has Martha any children?—A. She has a pair of twins, or did have the last I knew of her, and presume she still has them. I don't know.

Q. Has Eliza any children?—A. She has one. George Q. Cannon told me himself that Eliza had one. I met him a few days after it was born and he told me that she had.

Q. At the time George Q. Cannon told you that Eliza had a child did he acknowledge that he was the father?—A. I don't know that he did.

Q. Have you ever seen George Q. Cannon in the presence of his children?—A. Oh, yes; frequently.

Q. Did he treat them as a father, and did he call them his children?—A. He did.

Q. Were these children so treated—the children of his pretended wives?—A. After showing me these boys he, as a man would who felt proud of his children, told me one belonged to Sarah Jane and the others to his first wife.

Q. Was there any distinction made in the treatment of those children?—A. I couldn't see that there was.

Q. Does the family of George Q. Cannon all reside in one house?—A. I believe they do, since the large house was built. Mrs. Cannon told me when it was building that it was intended for them all.

Q. Did you ever hear Mrs. Cannon speak of the other wives or their standing in the family?—A. I have.

Q. Was Mrs. Cannon somewhat offended at the assumption of these pretended wives?—A. Yes, she was, as all first wives are.

Q. Is Eliza reported to be dissatisfied with her marriage relations?—A. I have heard so, but don't know anything about that. I want to tell you a little more about Mrs. Cannon. Mrs. Cannon told me that George Q. took Martha contrary to her wishes, (this was soon after he took her,) and she said the most of his time had been spent with her, to the great distress or annoyance of her and the rest of the family; and the other women, I mean. Sarah Jane told me the same thing at another time.

Q. Is it a general, accepted, common report throughout the community and neighborhood that George Q. Cannon is living in polygamy?—A. It is generally so understood. I have never heard it disputed in fifteen years. I have often heard him speak of his wives, and never heard him deny it.

Cross-examination:

Q. Did you say you were the wife of Orson Pratt?—A. I am the wife of Orson Pratt, sr. I am not living with him now. I was formerly a member of the Mormon Church, and don't know that I have been cut off. I have not been a believer in the Mormon doctrines for thirty years, and am now considered an apostate, I believe.

Q. Did you ever see George Q. Cannon married to any one?—A. No.

Q. Do you know that he has more wives than one, except by general reputation?—A. No, I do not, except by the information I have given, and what I have heard him say, as I have related.

Q. Do you know, except by general repute, that those children spoken of by you as belonging to Martha, Eliza, and Sarah Jane are the children of George Q. Cannon?—A. I only know so far as the information I have given will convey the idea.

Q. Isn't it a portion of the Mormon doctrine and the practice of the Mormon Church to marry wives for the next world, with whom they do not cohabit and live with as wives in this world?—A. Yes.

Q. Is it not the custom among the Mormon people to address each other as brother and sister, and other relations which they do not sustain to each other?—A. Yes; which they do not sustain, except by church rule.

Redirect examination:

Q. Is it customary among the Mormons for a man to introduce and speak of a woman as his wife and of her children as being his own when he does not claim to bear that relation between them?—A. It is not.

Recross:

Q. Supposing that a man had married a wife according to the customs of the Mormon Church for the future world, with whom he did not cohabit with and live with as a wife in this; in introducing her would he not introduce her as his wife?—A. He very likely would do that, but they are not anxious to do so. They often do introduce them as such when they can't very well help it.

Q. Supposing that a woman thus married, as stated in the above question, was a widow before her last marriage, and had children, would not the person marrying her be likely to introduce her children as his children?—A. If a man marries a woman for eternity it is supposed that her children are his, no matter who may be the father, and, of course, would be likely to introduce them as his, under those circumstances.

Redirect examination:

Q. When George Q. Cannon introduced and spoke of his wives to you, did he introduce them as his wives for the future world only, or did he convey the idea that they were his wives for this world as well?—A. He did not explain the matter, but simply introduced them as "My wife, Martha," "My wife, Eliza."

SARAH M. PRATT.

Subscribed and sworn to before me this 15th day of January, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

No. 10.—*Depositions of D. R. Firman et al.*

D. R. FIRMAN, sworn:

Question. State your name, age, and place of residence.—Answer. D. R. Firman; my age is thirty-five years; and my place of residence, Salt Lake City.

Q. How long have you resided in Utah?—A. I have resided here about nine years.

Q. Are you acquainted with George Q. Cannon?—A. I am, slightly.

Q. Where does he reside?—A. In Salt Lake City.

Q. How many wives, or pretended wives, has George Q. Cannon got?—A. He has four, I believe.

Q. Do you know their names?—A. I do. The name of the first wife is Elizabeth; the second one is Sarah Jane, I think; the third is Eliza; the fourth, Martha.

Q. Give the names of the children of each wife, as far as you know.—A. The first wife, Elizabeth, has four; I think she has five. They are John, Abel, Mary, and Lillian; I think she has another, named Rozina.

Eliza has none that I know of. Martha has two, twins, Esther and Amelia. I do not know whether Sarah Jane has any.

Q. How many of those wives live at the residence of George Q. Cannon?—A. All of them, I believe.

Q. How many of them have you seen living there?—A. I have seen three of them living there.

Cross-examination:

Q. What official position do you hold in Utah Territory?—A. I was deputy United States marshal for two or three years.

Q. Are you now, or have you ever, in any way been connected with the Mormon Church?—A. Never.

Q. Have you ever visited the house of Mr. George Q. Cannon? How often, and when?—A. Yes, once or twice two or three years ago.

Q. For what purpose did you go there then?—A. On business.

Q. Were you ever present when George Q. Cannon was married to any woman?—A. Never.

Q. Did George Q. Cannon ever introduce any of these women to you as his wives?—A. No.

Q. In what manner did you become acquainted with them?—A. I don't know that I am acquainted with them; don't know if I would know them by sight now.

Q. Are you acquainted with any of his children?—A. I did know some of them by sight.

Q. Do you know anything about George Q. Cannon's marriage relations, except by report and general reputation?—A. I did know Martha, and have been told by her friends that she married George Q. Cannon. I know nothing further, outside of common report, that I am at liberty to disclose.

Q. Do you, or do you not, know anything further?—A. I do, but cannot disclose it.

D. R. FIRMAN.

Subscribed and sworn to before me this 16th day of January, 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

Dr. GEORGE WENCESLAW, sworn:

Question. State your name, age, occupation, and place of residence.—Answer. I am thirty-two years of age; reside in Beaver City, Beaver County, Utah Territory, and by profession am a surgeon.

Q. Did you reside there on the 5th of August last?—A. I did.

Q. Were you present at the election held that day for Delegate to Congress?—I was, sir, from morning till night, present at the polls.

Q. State what occurred that day at the polls in the conduct of the election.

(The testimony of this witness was objected to on the same grounds and for the same reasons as was the testimony of all the witnesses, proper notice not having been given as required by the act of Congress, and also that no notice has been given of the taking of this witness's testimony.)

A. The judge of the election at the polls objected to our challenge of voters on the side of George R. Maxwell; moreover women voters were not allowed at all to be challenged, on the ground, I supposed, he knew they were not citizens, and the judge received their votes.

Q. How many women voted there that day?—A. There must have been from a hundred to one hundred and twenty women voted.

Q. Were any parties challenged by persons acting in behalf of George Q. Cannon?—A. There were.

Q. Upon what grounds were they challenged?—A. If they were citizens or tax-payers.

Q. State whether or not any persons' votes were rejected on the ground that they were not tax-payers.—A. There were, several of them.

Q. State in general terms the conduct of the persons in charge of the polls and of those who were supporting George Q. Cannon toward those electors who were supporting George R. Maxwell.—A. There were threats to arrest us if we would not leave the polls, and they were about to use force to prevent us from challenge. In fact they did remove us from the polls, but we resisted and returned again, although I know they rejected citizens and tax-payers who were citizens of Utah.

Q. In your judgment was the said election a fair and impartial one?—A. It was not.

Q. From your knowledge of the country and the people, and the manner of conducting the election, state whether or not, in your opinion, the power of the Mormon Church was brought to bear to induce persons to vote for George Q. Cannon.—A. It was, and people were afraid to resist the church power.

Q. State whether or not it is generally known and understood among the people of that part of the Territory that George Q. Cannon, Delegate-elect, is generally reputed to be living in polygamy.—A. It is well known and understood.

Examination adjourned till Monday, 13th, at 10 o'clock a. m.

Cross-examination of Dr. WENCESLAW:

Q. You say there were from one hundred to one hundred and twenty women voted at the precinct where you were at the last election. What proportion of these were not citizens of the United States?—A. To the best of my knowledge, about half of these women were not voters.

Q. Were there any women who voted for George R. Maxwell?—A. Yes, sir; but they were very few. Those were challenged by the judge of the election and his party.

Q. How many votes were cast at this precinct?—A. I have forgotten now, but to the best of my recollection it was two hundred and sixty-six.

Q. You say that there were some thrown out who were not citizens or tax-payers. How many votes were thrown out who were not citizens or tax-payers?—A. One or two were thrown out because they were not citizens. There were five more thrown out because they were not tax-payers. They were tax-payers, but had not been assessed.

Q. You state in your direct examination that you were threatened with arrest if you did not leave the polls, and that they were about to use force to prevent you from challenging. Did they not complain that you were disturbing the peace and quiet of the election?—A. No, sir.

Q. Did the election there pass off peaceably and quietly?—A. It did, except what I have related in my direct examination.

Q. What proportion of the community are Mormons?—A. All Mormons except three or four Gentiles and about twenty-five apostate Mormons.

Q. How many votes, to the best of your knowledge, did General Maxwell receive there?—A. I think it was twenty-nine or thirty-one.

Q. Have you ever attended any election beside this in America?—A.

Yes; in Minnesota, Georgia, and Kansas, three presidential elections, beside others.

Q. Was not this election at Beaver conducted as peaceably and quietly as any other election you ever attended?—A. It was not. At others they were allowed to be challenged.

DR. GEO. WENCESLAW.

Subscribed and sworn to before me this 16th day of January, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

H. W. MYERS, sworn:

Question. State your name, age, place of residence, and occupation.—Answer. My name is H. W. Myers; age, twenty-two years; residence, Salt Lake City, and editor and proprietor of the "Daily Mining Journal."

Q. Are you acquainted with George Q. Cannon?—A. Yes; by reputation.

Q. Were you publishing this paper prior to, and at the time of, the last election for Delegate to Congress?—A. I was.

Q. Prior to the said election did you publish in that journal the fact that George Q. Cannon was a polygamist?—A. I spoke of him in the paper frequently as a polygamist, and sometimes as a harem-boss. George Q. Cannon was publishing a paper here at that time, and did not deny the charge in his paper.

Q. In what manner did you gain the information that caused you to publish those charges?—A. It was the general belief and talk, and was never denied at that time by any one. His brother Angus told me that he, George Q. Cannon, had four wives, and he himself had two, and at one time threatened, in a savage manner, which I understood to mean that he would take my life, if I continued publishing George Q. Cannon. George Q. Cannon's brother threatened to beat me severely at the same time. I was attacked, knocked down, and seriously hurt by one of seven or eight persons, supposed to be Mormons, among whom was Angus and his brother. It is my conviction that it was a put-up job on me by these brothers, and that I would have been more severely used had not the attention of persons across the street been attracted.

Q. Does your paper have a general circulation among the people of the city and surrounding country?—A. It does.

Cross-examination:

Q. You say in your direct examination that George Q. Cannon did not deny at that time that he was a polygamist in his paper. Did you ever see the name of your paper mentioned in any way in the paper published by George Q. Cannon?—A. It has several times been referred to, but I could not say the full name had been given. My own name has been mentioned.

Q. Is the paper published by George Q. Cannon in the habit of taking any notice of any assertions made in your paper?—A. My other question answered that. I can say, as a general rule it does not, because it cannot and dare not, on the principle that the things that I have stated against Mormonism are true and well authenticated.

Q. At what time did the assault which you have mentioned take place?—A. I can't state the exact time. It was during the week

that the San Francisco circus was here last fall. It was published in my paper the next issue.

Q. Can you furnish me with a copy of that paper; and, if so, will you do it?—A. I will show you the files.

Q. What do you judge to be the population of this city?—A. At a rough guess, twenty thousand.

Q. How many daily papers are struck off on your press?—A. That is a question that no editor is expected to answer, and I refuse to answer the question.

Q. How many of your papers are circulated in this city?—A. I answer this question as above.

Q. Has it any circulation in the Territory outside of this city; and, if so, how many and where?—A. In the majority of the mining camps its circulation is as large, or larger, from the best evidence I can get, than that of any paper published in the Territory.

Q. Has it any circulation outside the mining camps, beside this city?—A. It has.

Q. At what time was this assault made upon you?—A. About 11 p. m., nearly in front of the Herald office, on the opposite side of the street from the post-office, and nearly opposite.

Q. That night did you return home immediately after the circus was closed?—A. I talked to several friends on the way home.

Q. Who were you walking with at the time you were struck?—A. With the seven or eight persons mentioned.

Q. Can you mention any of their names besides those of the Messrs. Cannon?—A. I cannot.

Q. In what direction was the person who struck you walking?—A. He was walking just in front, and turned on me and struck me.

Q. How many persons should you judge were at the circus that night?—A. The pavilion was crowded.

Q. How many persons should you judge were there?—A. I am not in the habit of guessing off audiences.

Q. Would you judge that there were five thousand persons there?—A. I gently murmur, no.

Q. Would you judge that there were three thousand?—A. I suppose that there were at least eight hundred. I went to enjoy the performance, and paid no attention to the number of the people.

Q. When you came home, up to the time you were struck, and when you were struck, were you walking with the crowd who came from the circus?—A. At the time I was struck I was walking with the crowd coming from the circus; I mean by that the crowd of seven or eight referred to above. That settles that little question.

Q. Was the crowd coming from the circus in front of you or behind you?—A. As far as I remember, there were none nearer than across the street at the time I was being struck.

Q. Did you remain at the circus until it was closed?—A. Yes, I did; that is, the circus proper, not the minstrels.

Q. Was the crowd coming from the circus in front of you or behind you?—A. We were nearly or quite in the front.

Q. How wide, to your best knowledge, are the streets here?—A. One hundred and thirty-two feet, including sidewalks.

Q. How did it happen that you got nearly or quite the width of the street ahead of the crowd?—A. Being excited, persons naturally walk faster.

Q. What were you excited about?—A. An animated discussion on Mormonism, and threats of personal violence.

Q. You say it was on this evening before you were struck that those threats were made?—A. I say it was on that evening—not this evening—before and after I was struck.

Q. How far did you walk before Angus Cannon and his brother left you?—A. About 175 feet.

Q. Did Mr. Cannon make any threats after you were struck?—A. Yes; Mr. Angus Cannon made the threats alluded to above. No, that wouldn't do, for this does not include the threats his brother made.

Q. You stated that Mr. Angus Cannon offered a reward of $25 for the arrest of the person who struck you, at the time you were struck, did you not?—A. Just after I was struck he said, "I would give $25 to know who did that."

Q. You stated that you were knocked back by the blow 20 or 30 feet.—A. The blow stunned me so that I reeled back about that distance.

Q. Whereabouts did that blow hit your person?—A. It centered on the left corner of the mouth.

Q. How seriously were you injured by that blow?—A. My mouth and jaw were so damaged that I could neither eat nor laugh without pain for at least three weeks.

Q. Where were you boarding at that time?—A. At the Great Western Hotel, kept by Smith and Brigaze.

H. W. MYERS.

Subscribed and sworn to before me this 16th day of January, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

Adjourned till to-morrow at 10 o'clock.

JANUARY 16, 1873.

WILLIAM P. APPLEBY, a witness for the contestant, introduced, and after being duly sworn, deposes and says:

Question. What is your name, age, and place of residence?—Answer. My name is William P. Appleby; age, thirty-five years, and reside in Salt Lake City.

Q. How long have you resided in Utah?—A. Since October, 1849.

Q. Are you acquainted with George Q. Cannon, Delegate-elect to Congress from Utah; if so, how long have you known him?—A. I have known him by reputation some twenty-three years, and have been acquainted with him for about fifteen years.

Q. Are you acquainted with his family?—A. I am acquainted with two members of his family, his first wife, Elizabeth Hoagland, and his second wife, formerly Sarah Jane Jenney.

Q. How long have you known them?—A. I have known Elizabeth Cannon, his first wife, since 1851, and his second wife, Sarah Jane Jenney, since 1853.

Q. Is Elizabeth Cannon, his first wife, now living?—A. She is.

Q. Has she any children? If so, give their names.—A. She has children. I do not know how many, nor do I know their names.

Q. Is Sarah Jane Jenney living; if so, where?—A. She is living, but I do not know in what part of the city she is.

Q. Has she children?—A. She has.

Q. What is the general accepted report throughout the Territory of Utah in reference to George Q. Cannon being a polygamist?—A.

has been generally understood by the community throughout the Territory that George Q. Cannon has been a polygamist and is one now; and I have never heard it denied.

Q. Have you taken the Salt Lake City Tribune for the last year?—A. I have.

Q. Prior to the last election, and subsequent to the nomination of George Q. Cannon, was the fact generally published in that paper that George Q. Cannon was a polygamist?—A. It was.

Q. Was it also published that he was thereby ineligible?—A. It was.

Q. Who control elections in this country?—A. So far as I have had any experience in elections in Utah Territory, the elections have been controlled by the authorities of the Mormon Church.

Q. By what means?—A. By the power of their so-called priesthood, that they exercise upon the minds of their followers.

Cross-examination:

Q. You state that Mr. Cannon has two wives, whose names you mention. State how you know the fact.—A. The first wife I was acquainted with when she was a young lady, before her marriage. Her father being the bishop of the ward, the young people used to visit there frequently. Her parents intimated to the young men visiting there that she was engaged to be married to George Q. Cannon, and would marry him on his return from the Sandwich Islands. After his return from the Sandwich Islands it was reported in the community that she had married him, and she has since lived with him as his reputed wife. My knowledge in relation to the marriage of Sarah Jane Jenney to George Q. Cannon is derived from her own declaration made to me, to the effect that she had married George Q. Cannon. This declaration was made to me in conversation on the street. We being old acquaintances, I was curious to know who she had married. George Q. Cannon was not present.

Q. What are your means of knowing, as you have sworn, that the priesthood exercise control at the elections?—A. I have lived among the Mormon community ever since I was four years old, and am familiar with the system of their religion. Their doctrines are that all political considerations should be sacrificed to the interest of their church organization, and in carrying out this their favorite doctrine. I have heard their bishops and elders counsel their followers that it was necessary to their salvation to do everything as a unit, even to voting, and that if they did not have officers elected by the presidency of the church to administrate in their different offices, outsiders would get in among them, and they would thereby become scattered and broken up.

WM. P. APPLEBY.

Subscribed and sworn to before me this 21st day of February, A. D. 1873.

[SEAL.] C. MYRON HAWLEY,
Clerk Supreme Court for the Territory of Utah,
Per R. C. CARLTON,
Deputy Clerk.

JOHN CUNNINGTON, sworn:

Question. State your age, name, and place of residence and occupation.—Answer. I am thirty-six years old, past; my name, John Cunnington; my residence, Salt Lake City, and by occupation a merchant.

Q. How long have you resided in Utah?—A. Since 1853.

Q. Are you familiar with the course of the Mormon authorities in conducting elections here?—A. The elections have been controlled by their church officers, to the best of my belief or knowledge.

Cross-examination:

I have resided in the Territory since 1853. I am not a member of the Mormon Church, but my parents were. I have never affiliated with it. I was never a clerk or judge of election; have no personal knowledge that Mr. Cannon has even one wife, but I have understood by general reputation that he is a polygamist. I have seen John T. Caine, Samuel Richards, and others, who are prominent members of the church, present, and help run the elections. I have never attended the church, and do not know, of my own knowledge, what the teachings of the elders and bishops are. I have known the "teachers" to go round in their wards and distribute the tickets of elections the night before the election.

JOHN CUNNINGTON.

Subscribed and sworn to before me this 16th day of January, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

JOHN W. MOREHOUSE, sworn:

My name is John W. Morehouse; my residence, Salt Lake City; my age, thirty-six years; and my occupation, speculator. I have been here, off and on, since the spring of 1863. I have never cast a vote anywhere but here during that time. I have known a great many elections in the Territory, and have never known anybody except the authorities of the church to have any control or management of the elections. It is my opinion, firm belief, that the priesthood do control the elections, and this is founded on the statements above, and from hearing them say that they must be as one man in all matters, spiritual or temporal. George Q. Cannon is generally reputed to be a polygamist, but I have no personal knowledge of the fact. I heard the mother of Sarah Jane Jenney say that one of her daughters was one of the wives of George Q. Cannon—the second or third, I don't know which. I have never heard it contradicted that he was a polygamist, and the fact has been generally published in the papers throughout the Territory.

J. W. MOREHOUSE.

Subscribed and sworn to before me this 16th day of January, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

HENRY GRAVES, sworn:

My name is Henry Graves; my age is thirty-two years; my residence, Salt Lake City, and my occupation that of a merchant and shipping-agent for the Emma Mine. I have been here part of the time since 1855. I think I know that the Mormon leaders control the elections, and have the say-so about everything. I think the people are told to do so-and-so, and they are afraid to do otherwise. I think it would not do for them to vote for the opposite party, as they would be cut off from the church, and every one would be against them. I think I have never known a free and fair election in Utah. The general report

throughout the country is that George Q. Cannon is a polygamist, and I don't believe he would dare deny it before the people.

Cross-examination:

I am not a Mormon myself, but was baptised when I was eight years old, but have never believed in the doctrine of the church. I have spent about nine or ten years in the Territory since 1855. My statement about the elections is my thought and belief, from the preaching I have heard. This preaching was before 1861, and I have never been to one of their churches since. I was sixteen or seventeen years of age at that time.

Redirect examination:

I think the assumptions of the Mormon Church and priesthood are not essentially different now from what they were then; that is, when I heard the preaching. My relatives are—all of them are—Mormons in good standing, so far as I know.

HENRY GRAVES.

Subscribed and sworn to before me this 16th day of January, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

GEORGE R. MAXWELL, contestant, sworn, says:

That the depositions marked B, and hereby offered, were received by him from the post-office in Salt Lake City, from Provo, from one Ira M. Swartz; that they have remained in his exclusive possession since receiving the same, except a part of the time, when they were delivered to the attorney of George Q. Cannon. Since coming into his possession there has been no alteration made in them.

(Counsel for George Q. Cannon enters an objection to the depositions offered, marked Exhibit B, for the reason that no notice was given of the taking of said depositions, as required by the act of Congress touching contested elections; that the offering of them at this time is wholly irregular and in nowise provided for by said act.)

GEORGE R. MAXWELL.

Subscribed and sworn to before me this 16th day of January A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy.

FRED. T. PERRIS, sworn:

I am one of the editors of the Salt Lake Daily Tribune, and business manager. It is a newspaper of general circulation, taken throughout the Territory. I published the fact that George Q. Cannon was a polygamist previous to the last general election, and subsequent to his nomination, and at the time of the nomination. In our judgment we stated that, as a polygamist, he was ineligible. This statement has never been denied by any of the church organs or anybody else, so far as I knew. He was the editor of the Deseret Evening News at that time, and the Deseret News never denied it. I have lived a good while in the Territory, and it is generally known throughout the Territory that he is a polygamist. The report made by me of George Q. Cannon's nomination on the 15th day of July, 1872, was correct.

FRED. T. PERRIS.

Subscribed and sworn to before me, January 22, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

Adjourned till Wednesday, January 22, 1873.

No. 11.—*Depositions of C. W. Wandell et al.*

JANUARY 22, 187

C. W. WANDELL, sworn:

I am fifty-four years of age coming April, and reside in Lincoln Cou Nevada. I was a member of the Mormon Church; think I joined 1837.

The Mormon endowments were given in the temple at Nau either in the winter of 1844 and 1845 or 1845 and 1846. I went thr all the endowment ordinances at that time. I was impressed at the that the oath or obligation there and then taken by me, at the altar, constructively, treasonable to the Government of the United St The treasonable character, however, of said oath or obligation clearly appeared in the lectures which accompanied the givin the degrees of the endowment than in the oath or obligation it This oath or obligation bound us to avenge the blood of the prop and to sustain the Mormon priesthood. This, as explained by the tures, was understood to amount to this, viz: That the priesthood about establishing a new kingdom and government somewhere in Rocky Mountains or Mexican California, and that the time would c when the Mormons, in alliance with the Indian tribes, would make a of extermination againt the Government and people of the United St I was at the time so impressed with the treasonable character w Mormonism, through the endowments, assumed, that I left the chu and did not emigrate to Utah with the people. There were fatal pe ties attached to the violation of the oath or obligation. Brigham Yo at that time was president of the Mormon Church. I am the person wrote certain open letters to Brigham Young under the *nom de p* of "Argus."

C. W. WANDEL

Subscribed and sworn to before me this 22d day of January, A 1873.

WM. P. APPLEBY

on saying something, and, though I sat within three feet of him, I could not understand one word in ten that he said. This howling continued until he finally got down from the stand. Thereupon Rev. Mr. McLeod arose to make a speech, and the howl continued so that he had to sit down. Finally, Tom Fitch, who was in sympathy with the Mormons, arose and made an effort to quell the noise, but they howled even him down. I saw a number of old women in the crowd, screaming and yelling like demons. I passed through the crowd and came across A. Milton Musser. I asked him why the priesthood or those in authority did not stop that Mormon mob. He answered that he had nothing to do with it; that it was the duty of the police to quell it. This fiendish howling and yelling continued until the Gentiles had to adjourn to the Liberal Institute, which they did do. A few days after Judge Hosea B. Stout, a Mormon in good standing, came to my office. I asked him if he was at the Mormon mob which broke up the Gentile meeting on Saturday evening. He answered, "No; when I heard the meeting was to be broken up, I refused to go down there, and staid at home. I was intending to make a speech that evening, having been designated as one of the speakers."

Question. How long have you resided in Utah, and what is your business?—Answer. I have resided in Utah three years and a half, and am special agent of the Post-Office Department.

Q. From your knowledge of the Mormon people, do you regard them as a law-abiding people?—A. In anything coming in conflict with their religious belief or practices, I regard them as the most lawless people I have ever lived with. As individuals, the generality of the people are by nature as honest and conscientious people as I ever knew, but, through the cementing of religion and politics by the priesthood, they are constantly coming in conflict with the laws and institutions of the country. They believe their priesthood is divinely appointed, and they conscientiously believe this; and they believe that they should implicitly obey the voice of the priesthood, for to them the voice of the priesthood is the voice of God.

Q. Is it, or is it not, commonly reported throughout the Territory, that George Q. Cannon is a polygamist?—A. It is just as well understood that George Q. Cannon is a polygamist as it is that Brigham Young is the president of the Mormon Church. I might confine this belief to Salt Lake City, more particularly. I have heard him advocate celestial marriage from the pulpit, as I understood thereby polygamy.

Q. From your knowledge of the Mormon Church, how are elections controlled?—A. Brigham Young and the priesthood can elect any man to any office, or can defeat any man for any office, in Utah. In all the more important offices, officers are virtually appointed by Brigham Young, the obedient saints simply going through the form of a vote, voting as they are told. Instance one case, viz: General Conner having commanded the forces here, when I came here in 1869, up to 1871, was excessively obnoxious to the saints, and I never heard a saint of either sex or age speak of him but with the bitterest curses and anathema. In the winter of 1871 and 1872 the priesthood wanted to get Utah admitted as a State into the Federal Union, and, in order to deceive the people of the States and Congress, and here also, as to their liberality and magnanimity, the priesthood had General Conner nominated as a delegate to the convention to form a State constitution; and I think the poll-books will show not a single saint in good standing but who voted for him. He was elected, but declined to serve. Other quasi or pretending Gentiles were elected and served, I am info

under promises from the priesthood of fat positions in the State government, in case it should be admitted into the Union.

J. H. WICKIZER.

Subscribed and sworn to before me this 22d day of January, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

TERRITORY OF UTAH,
County of Salt Lake, ss:

Personally appeared before the undersigned, Emeline Smith, who, being duly sworn according to law, deposes and says that she has been a resident of Salt Lake City, Utah Territory, for the past twenty-three years, and was only one and a half years old when brought here.

Deponent further says that she has been acquainted with George Q. Cannon and his family for at least eight years; that his first wife is named Elizabeth Hoagland Cannon; his second wife, Sarah Jane Jenney Cannon; his third wife, Eliza Cannon; his fourth wife, Martha Telle Cannon; also, that she has been a frequent visitor at George Q. Cannon's house, and that she has heard the said George Q. Cannon, in his house, as well as at the tabernacle, in Salt Lake City, also at the funeral of Mrs. Ordine Kimball, in the Nineteenth-ward school-house in said Salt Lake City, Utah, acknowledge that the said Elizabeth Hoagland, Sarah Jane Jenney, Eliza, and Martha Telle Cannon were his wives; also, that Mrs. Whatmore, a school-teacher, is sealed in marriage to the said George Q. Cannon, and has heard the said plural wives speak of said Cannon as their husband, and especially the second wife.

Deponent further says that her life has been repeatedly threatened, and at one time was obliged to seek protection of the United States authorities at Camp Douglas, and in other ways persecuted by the Mormon people for my gentile proclivities. I was turned out of my father's house because I visited the body of Doctor Robinson, who had been murdered. The ward teachers have also been around the ward where I live in said Salt Lake City, forbidding any one to employ me or give me any assistance whatever.

MRS. EMELINE SMITH.

Subscribed and sworn to before me this 22d day of January, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

SAMUEL KAHN, sworn:

I am of lawful age, and by occupation a merchant, residing and doing business in Salt Lake City.

In February of——, during the canvassing for city officers, there was a mass-meeting called at the store formerly occupied by the Walker Brothers, on East Temple street, Salt Lake City, to nominate city officers. Before the hour mentioned for the holding of the meeting, a large crowd came to the house and broke the doors open, rushed in, broke the benches, &c. This being an adjourned meeting, the chairman of the former meeting, Mr. Kilsey, presided. He was insulted and the meeting broken up. They then went to work and reorganized the meeting and nominated the candidates before nominated by the church authorities.

SAML KAHN.

Subscribed and sworn to before me this 22d of January, A. D. 1873.

WM P. APPLEBY,
Register in Bankruptcy, District of Utah.

GEORGE A. BLACK, sworn:

My age is thirty-two years; am a resident of Salt Lake City, and my position that of secretary of Utah Territory. The votes contained in the three packages herewith submitted were handed me by C. Myron Hawley, with the statement that they had been rejected by the county court of Beaver County. They are said to be votes cast by miners living where the county court had refused to make an election-precinct, and on that account were rejected.

Question. How long have you resided in Salt Lake City?—Answer. It will be three years in April coming.

Q. Are you acquainted with Frank Fuller, who was acting governor of Utah June 12, 1862; and, if so, how long have you known him?—A. I have known him by sight and reputation for a year and more, but he has never been in my office, and I have never had occasion to speak to him. He was on the 12th of June, 1862, secretary and acting governor of Utah Territory, as appears from the records in my office.

Q. What position did Daniel H. Wells occupy on the 12th of June, 1862, according to the records in your office?—A. He was lieutenant-general commanding the militia of the Territory of Utah, or assumed to be such.

Q. What position does Daniel H. Wells now occupy in the Mormon Church?—A. He is third president of the Church of Jesus Christ of Latter-Day Saints?

Q. Have you furnished a certified copy of the record on page 110, executive book of Utah, to the attorneys of George Q. Cannon?—A. I have.

Q. Did you furnish an entire copy of the record?—A. I did, so far as it was discoverable, there being portions of three lines so effectually erased that nothing can be made of them.

Q. From your knowledge gained of the Mormon people, are they a law-abiding people?—A. In my official acts in the Territory I have always found them exactly the contrary.

Q. Are you acquainted with the reputation of George Q. Cannon in the Territory regarding polygamy?—A. So far as I have known and heard, he is generally supposed to have four wives.

GEO. A. BLACK.

Subscribed and sworn to before me this 21st day of February, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

GRANVILLE E. JOHNSON, sworn:

I am thirty-three years of age; reside in Salt Lake City, and have resided here for eighteen months.

Question. Were you present at a meeting tried to be held to ratify George R. Maxwell's nomination on the Saturday previous to the election; and, if so, what occurred there?—Answer. I was present. The meeting was organized by the election of Mr. A. S. Gould as chairman. On his taking the chair and rising to address the audience in acceptance thereof, before he had uttered half a dozen words he was hooted and howled down by a mob of at least two thousand people. Rev.

McLeod attempted to speak, but in doing so the crowd assembled around the stand, attempted to make a rush with the view of upsetting the same stand and the people thereon, and would have succeeded in so doing had it not been for the prompt and energetic duties of about twelve loyal citizens of the United States of America. But being unable to cope with the aforesaid two thousand, we adjourned to the Liberal Institute with a view of holding free speech. I was not around at the time of said trouble at the Salt Lake House, but, with a view to my individual safety and that of the peace of the meeting, I went to my room and armed myself. I then proceeded to the Liberal Institute, where the meeting was carried out to perfection. Several Mormons being present and making objections to the proceedings, were requested to retire. Not complying with that request, and making further disturbance, they were ejected *via et armis*. During the meeting at the Liberal Institute stones were thrown and windows broken by the Mormon mob outside.

Q. From what you saw that night was it safe for any person to advocate the election of George R. Maxwell as delegate to Congress?—A. No; the proof thereof being that I quietly retired to my room and armed myself in self-defense, and in the defense of my friends.

Q. At the time General Maxwell occupied the stand at the Liberal Institute, as a speaker at that meeting, were the stones thrown into the house thrown toward the stand?—A. Yes.

Cross-examination:

Q. Were the stones thrown into the Liberal Institute thrown after the ejectment of the parties mentioned?—A. At the time of the ejectment and before.

GRANVILLE E. JOHNSON.

Subscribed and sworn to before me this 21st day of February, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

JOSEPH M. ORR, sworn:

I am forty-two years old; have resided in Utah since September, 1865, and all the time in Salt Lake City. I was engaged in banking business after coming here till February, 1869. I was appointed United States marshal in September, 1869. At the organization of the liberal party I was elected chairman of that party for the Territory of Utah, and had a general supervision of elections up to last election, in August. In the fore part of February, 1870, we nominated Henry Lawrence for mayor. About the 1st of February we called a meeting for the purpose of nominating mayor and other city officers for the city of Salt Lake. That meeting was held privately, the first week in February, 1870, in the Masonic Hall, as we could not get, at that time, any other place to hold it and be safe. At that meeting we nominated Henry W. Lawrence for mayor, and other city officers, subject to the approval of a mass-meeting of the party, called to meet in Walker Brothers' old store. On the day that the meeting was to be held I observed, with several others, the bishops of the Mormon Church traveling back and forward from the different wards, and, seeing them so travel, we contemplated trouble that evening. About 4 o'clock, or between 4 and 5 that evening, there was a Mormon mob gathered in front of said building where the meeting was to be held. Just before the hour at which the meeting was

called to meet, myself, with several others, started up the street to go into the hall. It was so crowded with the mob in front that we could not gain admission that way. We went to the back door of the building, and on arriving at the back door we also found a mob there. Thirteen of us crowded our way through and got into the building. In about ten or fifteen minutes after we got in the front door was bursted open by the mob, and they rushed in there howling, shouting, breaking benches down, some of them armed with revolvers, some with knives, and some with clubs. They took possession of the meeting by force, and continued in force till we had to get out the best way we could. General Maxwell and myself were the last two of our party to come out. We had to force our way through the mob in order to get to the street. That mob was led by J. D. T. McAlister, bishop of the Eighth ward, territorial marshal and city marshal; and also by one J. C. Little, first counselor to Bishop Hunter, and also for the whole Territory of Utah of the Mormon Church. We then attempted to hold a meeting in the Masonic Hall. We were followed up by the mob and prohibited from holding said meeting. On arriving at the Masonic Hall I heard one of the mob threaten to shoot General Maxwell if we attempted to hold another meeting that night. I saw him start to draw a pistol, but he did not do so. He would have drawn his pistol if it had not been for myself and another party. I forced General Maxwell back into the store and drew my revolver at the same time, and told him if he wanted any fight that he could fight me, and not impose on a man who was crippled, and commanded the peace as United States marshal.

We afterward met in a secret hall, with strong guards stationed at the door, armed, and confirmed our nomination for city officers. On the next day I wrote a request to the mayor of the city, as chairman of the liberal party, requesting him to allow us one judge and one clerk at each poll, which request he refused. On the morning of the election we went to the polls as American citizens to cast our votes and to challenge and protect the rights of American citizens in their votes. We were prohibited from challenging by the mob as aforesaid, and were not allowed to maintain our rights as American citizens. During the day of election, as chairman of the liberal party of the Territory, I wrote a note to the judges of election asking of them permission for myself or any two persons I might appoint to be present at the time of counting the ballots. In a short time after I received a note from said judges of election, refusing to admit me or any other one during the counting of the ballots.

After closing the polls I went in company with S. S. Walker, R. H. Robertson, George R. Maxwell, and called the judges of the election out and made a personal demand on them that either myself or either two of the aforesaid parties should be present at the counting of the ballot. Said request was absolutely and contemptuously refused by the judges of said election.

About the 16th day of July, 1870, the delegates from the several counties in the Territory of the liberal party assembled at Corinne in convention, and put in nomination George R. Maxwell for Delegate to Congress from Utah, to be voted for on the first Monday in August following. We held meetings at several different places through the Territory, and on Saturday evening before the election we held a meeting at Independence Hall, as it was rumored through the day that they would break the meeting up; that we should not hold any liberal meeting in Salt Lake City. When the hour arrived for the meeting, we went to the hall, and organized our meeting by electing Judge Hawley, I think, chairman. In a short time after the meeting had commenced a

party of Mormons came, with Bishop John Sharp, the chief of police, and the police force. They commenced hallooing and yelling, and giving the lie to the speaker, as I verily believe, with the intention of breaking up the meeting, but were prevented from so doing by quite a number of the liberal party, who were determined men, who crowded themselves around and in front of the stand, and crowding those parties back who were making the disturbance and noise.

Cross-examination:

The meeting was held, and speeches were made. The speeches were made by Baskin, Judge Hawley, Robinson, Hempstead, General Maxwell, and Bishop Sharp.

At the election held in August, 1872, we had challengers in some of the wards in the morning. At most of the voting-precincts they would not allow us any challengers. In about the middle of the afternoon on election-day the challengers that we did have were put out by the police and other Mormon officials, and were not allowed to challenge any votes after.

J. M. ORR.

Subscribed and sworn to before me this 21st day of February, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

JANUARY 23, 1873.

ELI B. KELSEY, sworn:

I am a resident of Salt Lake City; aged fifty-three years. I have resided in the Territory over twenty years. I was chairman of a meeting held in February, 1870, for the purpose of ratifying the nomination of Henry W. Lawrence for mayor of Salt Lake City. The meeting was broken up by a large concourse of the Mormon people, under the direction of the bishops of the various wards, sanctioned by the presence of several of the quorum of the twelve apostles of the Mormon Church. The street in the front of the building was taken possession of by this mob, (for it was nothing else,) that utterly prevented the peaceable assemblage of the Protestant members of the meeting, as it was an adjourned meeting, a few of whom obtained access to the building through the back way; and such was the pressure upon the door of the building from the mob outside, accompanied by vociferous cries for admittance, that, to prevent an overt act of violence, and the bursting open of the door, (at the door,) it was opened one-half an hour in advance of the time appointed for the meeting. The mob then rushed in, jumping upon and over the seats, until the building was densely packed, and breaking several of the seats. They then took possession of the meeting and went through the farce of renominating their own candidates. They then dismissed the meeting, and all the bishops and other responsible men immediately withdrew, leaving about four hundred or five hundred persons, made up of the most ignorant and fanatical portions of the community, with the design, as solemnly believed by the deponent, of bringing about a collision and inaugurating a bloody catastrophe. This was prevented by the calm and dispassionate demeanor of the few members of the liberal party present in the building.

The next morning Thomas Ellerbeck, Brigham Young's chief clerk, came down to the office of the Salt Lake Tribune, and proffered to pay for all

damages done to the seats and the building; and further deponent saith not.

Question. Under the present system of numbering ballots, and the present election laws, is it possible to hold a free and untrammeled election in Utah?—Answer. No; and never can be so long as the ballot-boxes remain under the control of the Mormon priesthood.

Cross-examination:

Q. How was the meeting of February, 1870, called?—A. It was a general invitation to the public to attend.

Q. Was there any personal violence inflicted upon any member of the liberal party?—A. There was not, but it was prevented by the calm determination of the members of the party present to resent no insult offered. I have been a member of the Mormon Church, but am not now. I ceased my connection with the Mormon Church in the fall of 1869, my name having been erased from the books. I am acquainted with the endowments of the Mormon Church. My acquaintance with the endowments is derived from my having passed through all of them given to any one by the church. There are obligations taken in the course of the giving of the endowments. There is no obligation there taken inconsistent with allegiance or loyalty to the Government of the United States, and this to my certain knowledge. I have generally resided in Salt Lake City since 1869, and have resided in the Territory since 1852. I am acquainted with the nature of the Mormon people, and they are a peaceful, law-abiding people, and conservative in their character; but, as Mormons, their loyalty to the priesthood that rules them, and to their conceptions of a literal kingdom of God yet to be established through the labors of that priesthood, is paramount with them to every other consideration or authority whatever.

Redirect examination:

Q. In the endowment-house is not an obligation taken to obey the priesthood?—A. Not so as to destroy the individuality of a person. Brigham Young could not change the covenants of the endowment-house no more than an individual could change the covenants of Masonry.

Q. How do you account for the disturbance of the meeting referred to?—A. There comes in the loyalty of the people to the priesthood.

Q. What kind of a government is the government of the Mormon Church?—A. The constitution of the Mormon Church is eminently democratic, but the impress of Brigham Young upon the system, in his rule of over twenty years, has been semi-barbaric in character, and has changed the system into an unmitigated priestly despotism. He has modified his claims greatly because he has been compelled to, but the time was when nothing was done in Utah that was done without Brigham Young. George Q. Cannon is universally known to be a polygamist, throughout the Territory.

ELI B. KELSEY.

Subscribed and sworn to before me this 23d day of January, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

WILLIAM CHISLETT, sworn:

My name is William Chislett; am twenty-seven years of age, and have resided here, for the most of the time, for ten years.

On the 5th of August, 1872, I was at American Fork Cañon, Forest City. There were about five hundred inhabitants at and about that place at that time. It is a mining camp. The population comprises more Mormons than Gentiles. I do not know whether there was an election-precinct established there. All I know is that those men (referring to list and ballots marked C) came down to the store and asked me to act as clerk of the election. The signature thereto attached is my own signature, and the list is a correct one of the votes cast at that place. I sent these ballots and the list down to Salt Lake City, to John Chislett, and know that they were not counted in either Salt Lake or Utah County. There was at the time a dispute as to which county the precinct was in. I recognize the list and ballots as the identical ones sent down by me, and the ballots as those cast that day.

Cross-examination:

The question as to the location of Forest City is still in dispute, the recorders of Utah and Salt Lake Counties each claiming it to be in their respective counties. I do not know how the judges of election were appointed. Neither of them was a justice of the peace, there being there then (nor is there now) no justice of the peace or other officer—none other than a mining recorder. There was a poll-list kept, but I have not got it now. Mr. John Chislett was not a county clerk. About one-half the votes cast for General Maxwell were Mormons.

Redirect examination:

The reason, I suppose, that the Mormons voted for General Maxwell was, there were no numbered votes there, and they were not afraid that it would be found out how they had voted. It is about sixteen miles from Forest City to any precinct where there was a voting-precinct, with a justice of the peace presiding as a judge of election.

WILL. CHISLETT.

Subscribed and sworn to before me this 23d day of January, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

GILES B. OVERTON, sworn:

I have resided in the city of Salt Lake for the past three years and over, and am receiver of public moneys of the United States, and, as such, have partial control of the public lands, all contests to determine title, prior to a patent being issued, coming before the register and receiver. From their stand-point the Mormons may be a law-abiding people, but in all respects they are not. I think they care very little about observing the laws of the United States. All they care for is to further their own ends as a class.

I think, in my knowledge of the Mormons, where their interests were at stake, I never knew but two who were conscientious in the oaths which they took. All the rest who have taken oaths in respect to titles to land (whether interested or not I don't know) have taken the oath that they were the only occupants, whereas others have been known to occupy the same land. They seemed to swear with mental reservation.

It frequently happens that in taking the oath of occupancy it is detected that they never resided upon the land. Numbers of instances can be cited where the prominent men of the Territory have obtained title to public lands in this way.

Cross-examination:

It often happens that other parties in making applications for lands in the same vicinity, that we ascertain then that the persons have never resided upon the land embraced in their entry. These discoveries are sometimes made after the parties obtain their patents, and sometimes before. In some instances these cases have been reported to the General Land-Office. I have never been a receiver or held any office in connection with the public lands prior to the one I now hold, and have no means of comparing the frauds and perjury committed in this office with those committed in other land-offices. I think that in most all instances where one person applies for land, parceled out among others, that he does so under an agreement to convey title to the other occupants whenever he obtains a patent.

Redirect examination:

It has been always understood, since I came here, that George Q. Cannon was a polygamist.

G. B. OVERTON.

Subscribed and sworn to before me this 23d day of January, A. D. 1873.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

I, William P. Appleby, register in bankruptcy for the district of Utah, do certify that, in pursuance of notice, came before me Charles D. Handy, James B. McKean, Abraham Taylor, Walter Mansfield, James Wood, Sarah M. Pratt, D. R. Firman, George Wenceslaw, H. W. Myers, John Cunnington, John W. Morehous, Henry Graves, George R. Maxwell, Fred. F. Perris, C. W. Wandell, J. H. Wickizer, Mrs. Emeline Smith, Samuel Kahn, George A. Black, Granville E. Johnson, Joseph M. Orr, Eli B. Kelsey, William Chislett, and Giles B. Overton, who were then by me sworn to testify the whole truth of his or her knowledge touching the matter in controversy; that the several deponents were examined, and their examinations reduced to writing by Robert A. Waddell, who is neither of the parties, nor attorney of either, and after being carefully read over to the said deponents, the same were severally subscribed to in my presence, at the time in said respective depositions set out, and that the taking of the said depositions was commenced on the 11th day of January, A. D. 1873, and continued from day to day until the examination was closed, and the depositions are now herewith returned.

WM. P. APPLEBY,
Register in Bankruptcy, District of Utah.

EVIDENCE OF SITTING MEMBER.

No. 1.—*Notice to take depositions.*

George R. Maxwell, contestant, against George Q. Cannon, Delegate-elect, for a seat in the Forty-third Congress of the United States as Delegate from Utah Territory.

To the above-named GEORGE R. MAXWELL:

You will please take notice that I will take the testimony of witnesses in the above-entitled matter at the court-house in Salt Lake City, Salt Lake County, Utah, before the Hon. Elias Smith, judge of the probate court in and for said county. Said examination will commence on Thursday, January 16, 1873, at 10 o'clock a. m. of that day.

The following are the names of the witnesses to be examined, and their places of residence: George L. Woods, Mrs. George L. Woods, George A. Black, and James B. McKean, Salt Lake City, Utah; O. F. Stuckland, Provo, Utah; C. M. Hawley, Beaver, Utah; M. T. Patrick, George C. Bates, C. C. Clements, J. B. Overton, George R. Maxwell, Mrs. George R. Maxwell, and J. P. Taggart, Salt Lake City, Utah; O. J. Hollister, Corinne, Utah; W. H. Hooper, Z. Snow, J. T. D. McAlister, William Clayton, James Jack, Robert L. Campbell, Reuben Miller, Isaac M. Stewart, W. C. Neal, H. S. Beatie, R. T. Burton, R. J. Golden, Theo. McKean, D. Buckhaldt, Edwin D. Wooley, Daniel H. Wells, Isaac Groo, A. Miner, N. H. Felt, Jeter Clinton, John Van Cott, Joseph F. Smith, Alex. Majors, John Clark, A. C. Pyper, John R. Wunler, L. S. Hills, Paul A. Schutler, Jessie W. Fox, Henry 1. Dormus, Nathaniel Davis, Andrew Burt, A. H. Raleigh, H. Dunwoody, Jessie C. Little, W. F. Anderson, Albert Dewey, J. E. Tayler, H. J. Fost, Levi Riter, W. C. A. Smoot, C. H. Hempstead, Samuel Bateman, William Colden, Jos. Gordon, Frank Fuller, S. A. Mann, T. W. Ellerbeck, Wm. Jennings, H. W. Lawrence, Thomas Taylor, E. M. Barnum, A. W. White, Chas. B. Trobridge, Richard Goodhurd, T. R. Janes, E. H. Barron, Warren Hussey, Hugh White, Anthony Godbe, Wm. S. Godbe, Mrs. Colonel May, C. F. Smith, E. B. Kelsey, Jos. Salisbury, Brigham Young, Joseph A. Young, Brigham Young, jr., Hiram B. Clawson, John T. Cain, E. L. Sloan, C. E. Pomroy, Fred Auerback, Hosea Stout, E. D. Hoge, Parley Williams, Joab Lawrence, Rev. ——— Haskins, A. M. Cannon, ——— Woods, J. M. Moore, Howard Livingston, L. Riggle, J. M. Carter, Thomas Marshall, John Liddell, R. R. Hopkins, Thomas Alma, Nicholas Groosbeck, Annie Godbe, Sarah Brown, W. G. Mills, J. Robert Walker, F. T. Perris, O. P. Mills, F. C. Armstrong, E. L. Harrison, Fanny Stenhouse, Minnie Stenhouse, Sharp Walker, Frank McKinnums, Sal Segal, I. Walters, J. M. Orr, Mary Godbe, Geo. Radford, Charles King, Samuel Kahn, John S. Lindsley, Geo. Knowlding, S. P. Teasdell, Henry Saddler, F. D. Brown, Milson Ban Kopskie, John Trumbo, Enoch Ruse, and John R. Murdoch, Salt Lake City, Utah; William Furthingham, Beaver, Utah; Wm. B. Pase, Salt Lake City, Utah; L. John Nuthall, Provo, Utah; Julia Lawrence, Georgia Snow, F. Little, M. H. Taylor, J. G. Brooks, James Browning, Chas. E. Pomroy, D. Cooper, Wm. P. Appleby, Mrs. C. C. Clements, Samuel L. Sprague, John Chislett, John Cunnington, Hadley Johnson, Solomon McCurdy, C. R. Burratt, Thomas Bates, Geo. Nayler, Wm. Nayler, James Gorden, E. McLaughlin, E. B. Zabriskie, J. R. Pank, James Dwyer, Bishop D. Tuttle, William L. West, J. M. Allen, Adam Spears, Samuel U. Richards, Thomas E. Jerremy, L. W. Handy, S. Hovey, Jacob Gibson, John F.

Saunders, B. Bitner, Silas Richards, Joshua King, Thomas Alsop, J. W. Woodward, Samuel Benon, S. J. Wing, J. H. Eaton, Henry Ruby, A. G. Brandner, S. J. Despaur, J. W. Clark, James Woods, Samuel P. Richards, Geo. V. Morris, Jos. E. Taylor, Charles J. Robinson, John Morgan, D. Brenton, Richard Taylor, John Howard, A. Gardner, W. A. Bills, George M. Spenser, Wm. H. Ferman, S. D. Dane, J. B. Ruby, D. M. Griffith, C. M. Brough, J. J. Snell, Henry W. Brown, Samuel Bateman, E. F. M. Guest, D. S. Tuttle, C. W. Penrose, F. D. Richards, F. S. Richards, Arthur Stainer, John Tayler, Wilford Woodruff, Joe F. Smith, Orson Hyde, Erastus Snow, Edward Hunter, W. F. Anderson, J. W. Haskins, Judge Hayden, and Henry Wagner, Salt Lake City, Utah; A. O. Smoot, and E. L. Herrick, Provo, Utah; Loren Forr, J. C. Wright, and Chester Lovland, Ogden, Utah; O. H. Elliot, Corinne, Utah, ——— Durell, Theo. T. Tracy, John W. Knox, William Sloan, N. S. Ranseyhoff, M. Kirkpatrick, General Morrow, Allen Fowler, M. D., A. W. Stowe, Augustus Sprouce, Charlotte Godbee, Maggie Miles, Jennetta Lawrence, John Wright, Wm. H. Bird, All Garwich, Dr. Stamburn, F. D. Cliff, J. M. Lowell, John H. Ely, H. S. Gruby, Chas. H. Dahler, D. R. Firman, P. E. Cannon, J. W. Clark, J. B. Lamb, H. C. Hallinger, Alex. Benham, Charles H. Bassett, Geo. W. Davis, and Mrs. James M. Townsend, Salt Lake City, Utah.

GEO. Q. CANNON.
TILFORD & MANN,
His Attorneys.

SALT LAKE CITY, *January* 4, 1873.

Due service by copy is hereby admitted this 4th day of January, A. D. 1873.

GEO. R. MAXWELL.

No. 2.—*Notice to take depositions.*

George R. Maxwell, contestant, against George Q. Cannon, Delegate-elect, for a seat in the Forty-third Congress of the United States.

To the above-named GEORGE R. MAXWELL:

You will please take notice that I will take the testimony of witnesses in the above-entitled matter at the court-house in Salt Lake City, Utah, before the Hon. Elias Smith, judge of the probate court in and for said county. Said examination will commence on Wednesday, January 22, 1873, at 10 a. m. of that day. The following are the names of the witnesses to be examined and their places of residence:

George Q. Cannon and Frank Tilford, Salt Lake City, Utah; V. A. Whicher, Samuel Bee, J. T. A. Thompson, M. V. Ashbrook, Jesse Buckner, John Letham, C. A. Allen, W. Gammon, S. B. Moore, Thomas Gammon, Ira M. Swartz, and Mrs. O. F. Strickland, Provo, Utah; C. M. Hawley, jr., Beaver, Utah; Ben Van Bocklin, Provo, Utah.

GEORGE Q. CANNON,
By TILFORD & MANN,
His Attorneys.

SALT LAKE CITY, UTAH, *January* 10, 1873.

Due service by copy is hereby admitted this 10th day of January, 1873.

GEO. R. MAXWELL.

No. 3.—*Deposition of Stephen A. Mann.*

JANUARY 16, 1873.

In the matter of George R. Maxwell, contestant, *vs.* George Q. Cannon, Delegate-elect, for a seat in the Forty-third Congress of the United States as delegate for Utah Territory.

Testimony taken before the Hon. Elias Smith, at the court-house, Salt Lake City and County.

The contestant appeared by his attorney, Charles H. Handy, and the Delegate-elect appeared by his attorneys, Tilford & Mann.

The contestant not having completed the taking of his testimony, on motion of Tilford & Mann the sitting was adjourned until to-morrow, Friday, January 17, 1873, at 10 a. m., and the witnesses in attendance ordered to appear at that time at same place.

JANUARY 17—10 a. m.

The following-named witnesses were then sworn, the Hon. Elias Smith administering the oath: Stephen A. Mann, Aurelius Miner.

STEPHEN A. MANN: Reside in Salt Lake City; attorney at law. Have resided in Salt Lake City since May, 1869. Have voted at all the elections which have occurred in Salt Lake City since I became a voter here. I have been to the polls, and when I have voted have stopped at the polls from fifteen to twenty minutes, and have never seen anything but what I considered entirely fair and impartial. Everything seemed to be quiet and orderly about the polls. Several persons there representing the different parties were soliciting votes for their favorite and respective candidates. They did so without any hindrance from any person, as far as I could see. Each party had challengers at the polls; did not see any obstacle interposed in any way to prevent people from challenging any person whom they might choose, so far as I could judge. When they were so challenged the judges of election decided the challenge in a fair and impartial manner. As far as I know, I have never known any influence to have been exerted by Brigham Young or the Mormons to influence the minds of voters at the elections. I do not believe that the influence of Brigham Young or the church is exerted in any way, except in the way of advice as to who the best and most proper men were to fill official positions. I cannot say that even advice has been given, of my own knowledge. I am now a member of the territorial legislature, and was a member of the legislature of the proposed State of Deseret. At and before my nomination and election there were no questions asked nor any pledges required of me to vote in any particular manner, on any matter of proposed legislation, or for any particular candidate that might come before said State or territorial legislators. During the time of the session of the legislature of the proposed State of Deseret there were two United States Senators to be elected for said proposed State, and that, neither at the time of election nor before the election of the United States Senators, neither Brigham Young nor any other person solicited my vote or suggested to me in what manner or for what person I should vote; that my vote on that occasion was only controlled and governed by considerations of what I supposed to be the most appropriate man to occupy the position. I was present at and participated in the election for congressional Delegate in August, 1872, and voted. I have exercised the elective franchise in Vermont, in Minnesota, Illinois, California, and Nevada, and I have

never seen at any of these places where I have voted an election more fairly, peaceably, and properly conducted. I was appointed secretary of the Territory in 1869; remained as secretary, and, on account of the absence of the governor, was, for most of the time after I was appointed, acting governor—for about a year and a half.

Cross-examination by Mr. HANDY, counsel for contestant:

Question. Are you thoroughly familiar with all the teachings, counsels, and directions of Brigham Young and the authorities and teachers of the Mormon Church relating to the exercise of the elective franchise?—Answer. I think I am, but have no other or better means of judging of it than any other citizen of Utah Territory, excepting as I may be more acquainted with the parties referred to. I am one of the attorneys for George Q. Cannon.

S. A. MANN.

Sworn to and subscribed before me this 17th day of January, A. D. 1873.

E. SMITH,
Probate Judge Salt Lake County.

AURELIUS MINER: Reside in Salt Lake City; am forty-one years of age on the 11th day of present month; occupation, attorney. Have resided in the Territory about eighteen years. I have been a constant resident of the Territory since 1st September, 1854, with the exception of an absence of three years and two months. Have voted at every election held in the Territory since I have been qualified as a voter in the Territory, except during my absence. Have presided at several of the elections by virtue of the office of justice of the peace. I have no knowledge of any unlawful interference with any person in the exercise of the rights of the elective franchise. The right of challenge has been freely exercised, and the elections have universally been conducted with fairness, and, so far as my knowledge goes, in strict conformity with the statutes regulating elections. I am a member of the Church of Jesus Christ of Latter-Day Saints, and have been for several years; was not a member of said church when I came to the Territory. I have endeavored to make myself thoroughly acquainted with the doctrines, principles, and teachings, together with the practical workings of said principles by and in the church organization; am generally conversant therewith. As a church organization there has been no attempt whatever to govern or control the result of any political election. Individual members of that church have exercised their rights as citizens to thus control such elections, which I have done myself, sometimes successfully, and sometimes unsuccessfully; but no religious influence has been brought to bear upon those occasions. I participated in the election for congressional Delegate last August. The election of August, 1872, was conducted with fairness, every person, so far as I observed, enjoying equal rights and privileges with his fellows. I saw persons canvassing for the respective nominees, Maxwell and Cannon, without hindrance. The right of challenging was freely exercised, and good order prevailed during the whole time that I was present at the polls—probably about one-half hour. There were four polling booths in Salt Lake City at that election. I voted at the polls of the second precinct, which were opened at the court-house, in which precinct I reside. I am acquainted with what is known as the endowment-house, and am familiar with the rights and ceremonies therein performed. They are strictly of a religious character, and have no reference whatever to any p

principles, parties, or organizations. I have received what are known as the endowments administered by the church, of which I am a member, and have frequently been present during the administration of those ceremonies to others.

By Mr. TILFORD:

Question. Is there any oath or other obligation taken in the endowment-house, or elsewhere in the Mormon Church, of hostility to the Government or laws of the United States, or to avenge upon the Government or authorities of the United States the murder of Joseph Smith?—Answer. There is not.

Q. Is the Government of the United States mentioned in any manner in connection with the rites, ceremonies, or obligations of the endowment?—A. It is not, either directly or indirectly, nor any of the officers of the United States. There is no oath of any kind administered to persons when they receive their endowments. I am acquainted with the doctrine of the Mormon in relation to the punishment of the crime of murder; it is the same as the doctrine promulgated in the Bible—that the murderer shall die—the death-penalty to be inflicted in accordance with the law of the land; the murderer to be executed by the shedding of his blood; and, in conformity with that doctrine. the statute of the Territory provides that the death-penalty shall be inflicted by means of hanging, being beheaded or shot, at the option of the criminal.

Q. Is there or has there been any organization in the Mormon Church known as "Danites" or "Destroying Angels?"—A. I have heard a great deal said about such an organization by sundry individuals, and have read about it in the public journals of the country, but of the existence of such an organization in the church I have no knowledge whatever. If it does now or ever did exist, my position is such that I would have known of it. I, therefore, confidently say that it does not nor ever has existed in the Mormon Church.

Q. State, if you know, in what light the leaders of the Mormon Church regard the Constitution of the United States.—A. They regard it as an instrument given by inspiration of God, and, as such, hold it as a sacred instrument.

Cross-examination by Mr. HANDY, counsel for contestant:

I have never seen Mr. George Q. Cannon present in the endowment-house, to the best of my recollection, but cannot say definitely.

Q. Is it, or is it not, a part of the doctrines and teachings of the Mormon Church, that a faithful member thereof should follow and obey the counsels and directions of the priesthood and regularly constituted authorities of the said church?—A. So far as appertains to church government, discipline, moral and religious teachings, I answer yes; in reference to other matters, no.

Q. I repeat the same question.—A. I cannot give any other answer and be truthful. If the question had embraced all things I should have answered "No." Strangers are not admitted to the ceremonies of the endowment. Those who have received their endowments are at liberty to attend, when room in the house will permit; none others are admitted, except for the purpose of receiving their endowment.

Q. Are any covenants or obligations taken by persons when they receive their endowments, of any kind or nature whatever?—A. Yes.

AURELIUS MINER.

Sworn to and subscribed before me this 17th day of January, A. D. 1873.

E. SMITH,
Probate Judge Salt Lake County.

THOMAS WILSON HASKINS: Thirty-two years of age. I reside in Salt Lake City; have resided in Salt Lake City since May 4, 1867, except an absence of three and a half months in the winter of 1868 and 1869; am a clergyman of the Protestant Episcopal Church. I did vote at the election held in Salt Lake City for congressional Delegate in August, 1872, at the city-hall. As far as I know and saw, the election was conducted in an orderly and peaceable manner. Being somewhat in a hurry, and not wishing to wait, some one, seeming to have charge, facilitated my voting by leading to the place where the ladies were voting, and I voted for George R. Maxwell. I have voted at two other elections. At one other I did not wish to vote. As far as I could observe, they were conducted in the same quiet and orderly manner.

By Mr. TILFORD:

Question. Do you know the size externally of the endowment-house?—Answer. I have seen the building at a distance and judge it to be, from remembrance of the size, 50 to 60 feet long by 25 to 35 feet wide, including all additions; do not know whether it is one or two stories high.

Q. Have you ever been disturbed here in the exercise of your civil or religious rites by the Mormon people?—A. No; not by force.

Cross-examination by Mr. HANDY, attorney for contestant:

Q. Have you ever, by force or otherwise, been interfered with in the exercise of your civil, political, or religious rites by the Mormon people, or the authorities of the Mormon Church? And, if so, in what manner?—A. I don't know whether their actions did or did not interfere with or interrupt my duties as a clergyman of the Protestant Episcopal Church. The things that I allude to are these: First, I was informed by a person who had been a member of the Mormon Church that at a meeting of some of the officers of the said church, I and the other clergymen of the Protestant Episcopal Church were reported as men of bad character, sent here by the authorities of the Protestant Episcopal Church to be gotten out of the way. Secondly, on my return from the East in February, 1869, I was informed of a report that had been circulated by the Mormon people derogatory to my moral character. Thirdly, at a meeting of the Mormon conference George Q. Cannon delivered an address, in which, among other things, he directed an attack upon the mission of the Protestant Episcopal Church in this city. After speaking in general terms against the bishop and clergy of the mission and the school under their charge, he said, "Shall we allow these self-styled missionaries to go on inoculating our children by teaching their damnable and pernicious doctrines?" at which there was a response of "No, no!" from the assembled congregation.

Re-examined by Mr. TILFORD:

Q. Please state the name of the person who informed you "that at a meeting of the officers of the Mormon Church you and other clergymen were reported as men of bad character"?—A. I object to giving his name, as I promised him that I would not do so upon his statement that it would endanger his life. His name is Henry Isaacson; not residing here at present; had been a drug-clerk in Cache Valley; had a law-office

here; did not state to me when and where the meeting was held. There is a number of Mormon children going to my school. I also have read in the paper a sermon by Brigham Young, in which he spoke approvingly of the schools kept here by the different Protestant churches; the sermon of Mr. Cannon was three or four years ago; that of Brigham Young was at last fall conference, and since the election.

THOS. W. HASKINS.

Sworn to and subscribed before me this 17th day of January, A. D. 1873.

E. SMITH,
Probate Judge Salt Lake County.

FRANK FULLER was sworn:

I am forty-five years of age; reside in Salt Lake City; am president of a life insurance company. I was secretary of Utah Territory from July, 1861, to August, 1863. During about one-half of the year 1862 I was acting governor, from the first of the year 1862 to about July; during that time I understood that there were writs issued by the district court of the third judicial district by the United States judge. I cannot at this remote period say that I ever saw the writs; the judge of the third judicial district, John F. Kinney, informed me that the writs were issued. In the spring and early summer of 1862 I was repeatedly called upon by Judge Kinney and urged to interpose, as the executive of the Territory, in furnishing a military posse to enable the civil officers to serve writs issued by him for the arrest of one Morris and one Banks, and perhaps others, for a period extending over several weeks. I declined so to interpose, and told Judge Kinney that I thought the sheriff, with a sufficient force, could serve the writs. On one occasion he informed me that an officer who had undertaken to arrest these parties had been seized by them and held for some days and nights. Upon my continued refusal to supply the civil authorities with a military force as he desired, he sent one Robert T. Burton, I think a sheriff or deputy territorial marshal, with a considerable body of men, to attempt the arrest of the parties for whose arrest process had been issued. This fact was stated to me by Judge Kinney after the posse had returned. Robert T. Burton called upon me, and stated that he had undertaken, with a considerable body of citizens, to serve the writs; that he proceeded to the vicinity of the place where these men for whom he held warrants were supposed to be; that he reached a point at the head of a lane, some distance from the houses, and was ordered by parties in the buildings, or near them, not to come nearer, or they would shoot him and his party; he accordingly, as he said, desisted from his efforts to arrest them. In accordance with the urgent and constantly reiterated request of Judge Kinney, who repeatedly stated that his warrants were set at defiance by a gang of horse-thieves, I made a requisition, in my official capacity, upon Daniel H. Wells, the general commanding the militia of the Territory. I made this requisition upon the commander of the militia, because there were no United States troops within several hundred miles. A body of armed men accompanied the sheriff to the place where these men were supposed to be, and on the return of the sheriff and his posse he reported to me that, in endeavoring to arrest the individuals for whose arrest he held warrants, two of his party were killed and two of the persons for the arrest of whom he held warrants. He stated that the first man killed was one of his own party. I asked him what was the necessity of killing the two men, Morris and Banks, whom he was sent

not to kill, but to bring in safety before the court. He stated that on reaching the vicinity of the place where these men were believed to be, he in some way, the manner of which I do not now recall, notified them that he came with warrants for the arrest of certain men, and that he desired that those men should be produced; they were not produced, as he said, but a firing upon the party seeking to make the arrest was commenced on the other side. My impression is that Burton stated that the fire was returned by his party, and that on the second day the parties whose arrest he sought and those by whom they were surrounded held up a white flag in token of surrender. Burton further stated that he moved his party up behind abarricade on wheels, which they pushed forward before them, and when near the opposing party he demanded of them that they stack their arms, which they proceeded to do. He entered their enclosure, as he said, with a few of his men, whereupon Morris and Banks suddenly seized arms from the stack, and with a shout from Banks of "Now's your time, kill them," or something of that purport, presented the arms as if about to fire upon the entering party, whereupon shots were fired by the entering party, resulting, as Burton stated, in the death of Banks and Morris, and in the wounding of some others. I saw the body of one man brought into Salt Lake City a day or two before the party who went to make the arrest returned. The persons who had the body in charge told me that he was killed by a bullet fired by the party whom it was sought to arrest. He was said to be the first man killed, and it was also stated that he was killed shortly after the arrival of the arresting party on the ground.

Mr. GEORGE A. BLACK was here sworn by the consent of the counsel for the contestant, for the purpose of identifying a portion of the records of the executive and secretary's office of this Territory.

George A. Black; I am secretary of the Territory, and the book brought with me is one of the records of the executive office covering the year 1862.

Mr. FULLER'S testimony resumed:

Mr. Fuller identifies the book produced in court, and sworn to by Mr. Black, as a portion of the records of the executive office during the time he was acting governor and the year 1862, covering the time above narrated. The record on page 110 of this book is the record of the requisition made by him as acting governor on the general commanding the militia of Utah Territory at the time. A certified copy of said requisition is herewith attached, marked Exhibit 1.

Mr. Fuller said: No person ever urged me or in any way requested me to call out the militia for the service of these writs, except Chief Justice Kinney. I have never been connected with the Mormon Church. I attend the Protestant Episcopal Church. My wife and daughters are members of the Protestant Episcopal Church. Since my arrival in 1861 I have resided here in all about three and one half years.

By Mr. MANN.

Q. During that time have you exercised the elective franchise, and been at the polls during elections?—A. I have never voted in Utah, nor have I ever visited a polling-place here on election-day. I have never taken any part in territorial politics in Utah; my reason therefor is that I have been aware that I should have been in the minority politically, and it was quite useless for me to vote.

Q. From your acquaintance with the Mormon people since you have been here, *what do you say* of them concerning their disposition to

obey law and to observe order and fair dealing in politics and other matters?—A. They have seemed to me to be very much like other people, with general tendency to good order and fair dealing, so far as I have been able to observe.

Cross-examination by Mr. HANDY, counsel for contestant:

Q. You were saying in the direct examination that you were informed by the chief justice that there were writs issued against Morris and others. Did he also inform you that there were any writs issued against women and children?—A. He certainly did not so inform me. The judge stated that the writs were issued for the crime of stealing horses or some kind of stock. I have heard that some proceedings were had against Robert T. Burton for his action in this matter, but it was during a prolonged absence on my part from the Territory.

Redirect:

I heard that a woman was wounded in the fracas. I understood that the parties against whom the writs were directed had their women and children with them in this inclosure or fortification.

FRANK FULLER.

Sworn to and subscribed before me this 17th day of January, A. D. 1873.

E. SMITH,
Probate Judge Salt Lake County.

SAMUEL W. RICHARDS, sworn:

My name is Samuel Whitney Richards; forty-eight years of age; officiating magistrate in Salt Lake City. Been a resident of Salt Lake City since 1849, and a member of the Church of Jesus Christ of Latter-Day Saints; have a general knowledge of the doctrines of the church. I have for several years past acted as judge of election in Salt Lake City, and did so act at the last August election, by virtue of my office of justice of the peace of the second precinct. The elections in said precinct have in all cases within my knowledge been conducted strictly in conformity with the law; have been peaceable and orderly: the right of challenge been freely indulged in by all parties desiring so to do. I was present and acted as judge at the last August election. That election was conducted orderly, peaceably, and in accordance with the provisions of the statutes of the Territory regulating elections, all parties having full liberty to advocate each their respective candidates for the offices to be filled. This is specially applicable to George Q. Cannon and George R. Maxwell, as candidates for the delegateship of the Territory to the United States Forty-third Congress. When challenges were made there was no distinction in the decisions of the judge in reference to either candidate, but each enjoyed the same liberty and privilege in relation to the franchise as the other. There were no votes cast at said election, within my knowledge, that were not strictly legal. no persons under age, or unnaturalized persons, or those excluded by law for other causes, were allowed to cast any votes at said election. After the election the votes were sealed up in the ballot-boxes and delivered to the clerk of the county court, as by law directed. Each voter's name was recorded, and the number placed upon the ballot was also placed upon the list opposite his name. Each ballot was numbered before being deposited in the box, according to law.

By Mr. MANN:

Question. How long have you been a member of the Mormon Church?—Answer. I have been a member of the Church of Jesus Christ of Latter-Day Saints since 1838. I am generally acquainted with their doctrines and principles, rites and ceremonies. I have been through the endowment-house, received my endowments, and am acquainted with the rites and ceremonies therein performed.

Q. Is there, or is there not, an oath, or an obligation, or covenant in the endowment-house, or in any other ceremonies in any way connected with the Mormon Church, in hostility to the Government of the United States, or to avenge the blood of Joseph Smith or any other person upon the Government of the United States?—A. There is no oath, covenant, or obligation administered in those endowments in hostility to the Government of the United States, or to any of the officers of the United States, or in any manner or form relating to either. The Government of the United States is not in anywise mentioned, or otherwise referred to as such in said endowments, so far as my knowledge extends. But few persons in said church are more familiar with the endowments than I am. I have frequently been present in their administrations, and have access at any and all reasonable times to the said endowment-house. I do not think it possible for any such oaths, obligations, and covenants, as have been referred to, to be administered without my knowledge.

Q. In what light and regard do the members of the Mormon Church hold the Constitution and Government of the United States, and what are the teachings of the church in regard to them?—A. They recognize the Constitution of the United States as an inspired instrument, and consider that any violation of its rights and powers would be a serious misfortune to the people who might have to suffer them; that the Constitution and Government of the United States should be observed, honored, and respected in the full and complete administration thereof.

Q. What part, if any, does the Mormon Church take in political matters?—A. The Mormon Church, as a church, exercise no control in political matters, further than that each and every member is at liberty to advise and counsel as they may deem best for the election of such parties as they may deem most suitable to fill such offices to which they may be elected.

Q. Does any member or leader in the Mormon Church attempt to control the way in which its members shall vote?—A. I have no knowledge of any attempt being made to exercise such control, but full and complete liberty is enjoyed in the exercise of political franchise, so far as church control is exercised.

Q. Supposing a member of the Mormon Church should be requested by Brigham Young, or any other leader in the church, to vote for any particular person or measure, and he should refuse so to do, would that in any way affect his standing in the church or community?—A. His standing in the church or community would not be endangered by such refusal.

Q. Is it customary, or have you ever known the ballots to be looked over after election and compared with the poll-lists to ascertain how any person voted?—I have been present at the counting of votes, but I have never known any such examination or comparisons made at the counting of the votes or at any other time.

Q. Is there, or is there not, an order or association of persons known as the Danites or Destroying Angels connected with the Mormon Church *or the Mormon people*?—A. I have no knowledge of any such organi-

zation, neither do I believe any such has existed among the Mormon people. I think my general acquaintance with the people would have enabled me to have known of such an organization if it had existed. I have been an elder of the church since 1843; have presided over foreign missions of said church on three separate occasions; have been one of the presidency of the high priests' quorum of said church for near twenty years, and have been very intimate in my associations with all the leading authorities of said church, and have assisted in administering the endowments to many thousands of the people.

Cross-examination by Mr. HANDY:

I think I have seen George Q. Cannon in the endowment-house.

Q. You stated in your direct examination that you were judge of the election at the polls of the second precinct in this city at the election held August 5, 1872. Were the votes of any women received at those polls who you had good reason to believe were of foreign birth, and who had not taken out their naturalization papers?—A. I think there were some who voted who had not taken out their naturalization papers, but who were wives or daughters of those who were naturalized citizens.

Q. Do not the Mormon Church teach the doctrine of obedience to the priesthood and regular authorities of the church in things both temporal and spiritual, and do they recognize any distinction between the two?—A. The doctrine of obedience to the priesthood is taught as necessary to the unity of the church, but not to interfere with the agency of any one to act upon his own judgment, and I have never yet learned that the Mormon people recognized the spirit and body of man to be the same; or, in other words, they do recognize a difference between things that are spiritual and things that are temporal.

Q. In your direct examination you stated that it was a doctrine of the Mormon Church that the Constitution of the United States is an inspired document. Is it taught that such inspiration extends to all the amendments to that instrument?—A. I have heard no direct teaching in relation to the late amendments of a public character, but I do not accredit them with the same degree of inspiration as is attached to the original.

Q. You stated in your direct examination that you had been judge of the election for a number of years. Have you ever known any one to vote at an election in Utah Territory whose appearance, in your judgment, would indicate that they were under twenty-one years of age?—A. I have, a good many, but, upon inquiry, always found them to be over twenty-one, or they were not allowed to vote.

SAMUEL W. RICHARDS.

Sworn to and subscribed before me this 17th day of January, A. D. 1873.

E. SMITH,
Probate Judge Salt Lake County.

THOMAS J. ALMY sworn and testified:

I am thirty-six years of age; have resided in Utah Territory two years and a half; a lawyer by occupation.

By Mr. MANN:

Question. Have you ever attended any elections in Utah Territory?—Answer. I have been present and participated in two elections in the Territory; one, 1871; other, 1872; voted in Salt Lake City. The elec-

tions, so far as my observation extended, were conducted as peacefully, orderly, and as fairly as any elections I ever participated in. The people were allowed the right of challenge, and the right to advocate the claims of their respective favorites or candidates, freely and without any hinderance, during the time of my observation, about half an hour. I am a Gentile, and in no way connected with the Mormon Church. I consider the Mormon people a frugal, industrious, peaceful, orderly people, law-abiding.

Cross-examined by Mr. HANDY:

Saw some women vote at the election. Did not see any women whom I thought were of foreign birth.

THOMAS J. ALMY.

Sworn to and subscribed before me this 17th day of January, A. D. 1873.

E. SMITH,
Probate Judge Salt Lake County.

Adjourned to to-morrow, 10 a. m.

JANUARY 18, 1873—10 a. m.

DANIEL SYLVESTER TUTTLE sworn:

I reside in the twelfth ward, Salt Lake City; am bishop of the Protestant Episcopal Church for the Territories of Montana, Idaho, and Utah; have resided here a little over four years. I have exercised the right of elective franchise since I have been here. I did not vote at the last election; I was not here. As far as I remember, I have only voted once here. I then lived in the eighth ward. I went to the polls late in the afternoon, and deposited my vote without any trouble. I think there was scarcely anybody at the polls except the necessary parties at the time I voted.

By Mr. MANN:

Question. Have you ever seen anything since you have been here to induce you to think that there is any unfairness at the elections?—Answer. No.

Q. Have you ever been disturbed here in the exercise of your religious or civil rights by the Mormon people or church?—A. If the "disturbed" means unfairly, I should say, decidedly, no! We are opposed and expect to be opposed.

Q. Have you ever seen or known, of your own knowledge, anything in the Mormon Church which would induce you to think that there was any such organization as the Danites or Destroying Angels?—A. No.

Q. Do you know whether Brigham Young has encouraged your schools established by your church, or not?—A. I did not hear him, but I heard from my clergy that at a late conference Brigham Young spoke in favor of allowing the children of the Mormon people to attend other schools than those of the Mormon Church. There are Methodist and Protestant Episcopal schools here. I think there are some Mormon children attending our schools, but Mr. Haskins is the proper officer charged with knowing the persons of the school.

Q. What would you say of the Mormon people, from your experience with them, of their disposition to be fair dealing and to observe law and order?—A. In dealing with them I have found them fair dealing; according to my observation, they are observers of law and order. From my

observation, I believe there have been fewer drinking-saloons and houses of prostitution, relatively, than in the non-Mormon towns of my Territories. To judge from the licenses charged, I should judge that drinking was discouraged by the authorities; to judge from the actions of the police, I should judge that prostitution was discouraged by the authorities; and to judge from the papers, I should say that both were discouraged by the authorities. I know nothing, of my own knowledge, of the action of the authorities upon these matters.

Cross-examination by Mr. HANDY, counsel for contestant:

Q. Have you ever heard that Brigham Young or the authorities of the Mormon Church have, at any time or in any manner, discouraged or opposed the sustaining of the schools or the mission of the Protestant Episcopal Church in this Territory; and if so, in what manner?—A. I have been informed by the Rev. Mr. Foote, that soon after the establishing of our school the teachers of the Mormon Church (I use the official term) warned the people not to send their children to our school. The Rev. Mr. Gillogly, of Ogden, has told me that the teachers have pursued the same course there. I am told that at a conference a speaker used words deprecating the allowance on the part of the Mormon people of the ongoing of our schools in Salt Lake City.

Q. Are you acquainted with Walter Mansfield, formerly sexton of the Protestant Episcopal Church in this city; and if so, for how long?—A. Yes; for about four years.

Q. From your acquaintance with him, do you, or do you not, consider him a truthful and well-meaning man?—A. I consider him truthful and well-meaning, but ill-balanced.

Redirect by Mr. MANN:

Q. Is this Mr. Mansfield a man likely to be imposed upon by others on account of his being ill-balanced?—A. In his individual case I do not know any facts that would lead me to suppose that he would be easily imposed upon. On general principles, an ill-balanced man is more likely to be easily imposed upon than a well-balanced man.

Q. When was it that the discouragement on the part of the Mormon teachers against the attendance at your schools occurred?—A. In Salt Lake City, I think some time in the year 1868; in Ogden, I think sometime in the year 1871. In each case our school had been established about a year. I know nothing of what means the Mormon people may have had of judging of the qualities of the schools.

By Mr. HANDY:

Q. Were the schools open to the inspection of the Mormon people and the public generally?—A. No hindrance has ever yet been offered.

DAN'L S. TUTTLE.

Sworn to and subscribed before me this 18th day of January A. D. 1873.

E. SMITH,
Probate Judge Salt Lake County.

REUBEN MILLER, sworn:

I am sixty-one years of age; my occupation, principally, that of a farmer; reside at Mill Creek, in Salt Lake County. At the last August election (5th day of August) I was at Mill Creek, in this county, probably one and a half hours at the polls. The people had every opportunity to vote as they saw proper; no restraint from any quarter; they had perfect liberty to challenge. The election was conducted strictly ac-

cording to the laws of the Territory. There were parties present advocating the claims of their respective candidates. Everything was orderly and quiet, and every man voted as he saw fit. I have been a member of the Mormon Church since 27th January 1843—thirty years. I have been through the endowment-house at Nauvoo, and also here in Salt Lake City, and am acquainted with the rites, ceremonies, obligations, and covenants therein taken.

By Mr. MANN:

Question. Is there any oath, obligation, or covenant taken in the endowment-house, or in any other place in connection with the Mormon Church, in hostility to the Government of the United States or to avenge the blood of Joseph Smith upon the Government of the United States or any of its officers?—Answer. I have never taken any such oath at any time, nor at any place in my history in this church, about thirty years. There is no such oath administered in those endowments. There is nothing in those endowments but what is of a strictly religious character.

Q. Has Brigham Young, or does he or any other person exercise, or pretend to exercise, any control of the people in relation to political matters?—A. Not to my knowledge. I have always been free to vote as I had a mind to; never anything said to me.

Q. Have you ever known the ballots to be compared with the poll-list for the purpose of discovering how any person voted?—A. I never have. I am well satisfied that it has never been done in our precinct.

Q. Supposing that Brigham Young, or any other person in the Mormon Church, should request one of its members to vote for any particular person or measure, and he should refuse so to do, would that in any way affect his standing in the church or community?—A. Not in the least. He might have reasons best known to himself, which would not be questioned.

Q. How often are the officers of the Mormon Church elected; how long is their term of office?—A. All the officers are elected semi-annually at the general conferences. This includes President Young and all the leading officers of the church. I am a bishop in the church; am president over Mill Creek district; am one of the selectmen of the county, and have been as much as twenty years, ever since the county was organized. I do not know whether Mr. Maxwell had any votes in our precinct or not, but if he had any friends there wishing to vote for him they had perfect liberty so to do.

Q. In what light do the Mormon Church and people regard the Constitution and Government of the United States?—A. We believe that the Constitution was given by inspiration through the fathers; we hold it sacred. This we are taught from the highest authority of our church, and we are taught obedience to our laws—all constitutional laws. We will never violate a constitutional law if we know it. We universally believe that the Government of the United States is the best government on earth.

Cross-examination by Mr. HANDY, counsel for contestant:

There were some women voted at the election last August in Mill Creek precinct. I think likely there were some women voted who were of foreign birth, but they were wives or daughters of some of our citizens. I do not think they of themselves had taken out naturalization papers.

Q. According to the regulations and teachings of the Mormon Church, can a person regularly contract or take upon himself or herself the re-

termed a ratification meeting, and witnessed nothing but what is tomary at such meetings.

THOMAS TAYLO

Sworn to and subscribed before me this 20th day of January D. 1873.

E. SMITH,
Probate Judge Salt Lake Coun

DANIEL S. DANA sworn:

I am forty-six years of age; occupation, attorney; have been in Territory about a year and a half; I reside at Provo City, and hav sided there since 19th June, 1872. I am a Gentile, and not a memb the Mormon Church. I was present and voted at the election in for the election of Delegate to Congress. As nearly as I remember, I v in the afternoon. I was present but a short time at the polls, and lieve the greater portion of the electors had voted when I cast my The election was held at the court-house, Provo City, and, during time I was there, there was no unusual excitement; everything was q I saw no one challenged on either side.

Cross-examined by Mr. HANDY:

Question. Are you a member of or in any way connected with Dunkard Church, or of the organization known as the Church of Disciples of Christ?—Answer. I am a member of no church; mak professions of religion whatever.

D. S. DANA,
Probate Judge Salt Lake Coun

Sworn to and subscribed before me this 20th day of January, A 1873.

E. SMITH,
Probate Judge Salt Lake Coun

Cross-examination by Mr. HANDY:

I do not recollect who was canvassing for George R. Maxwell or for George Q. Cannon.

Question. Is George Q. Cannon, the Delegate-elect, generally understood and reported to be living in what is termed polygamy?—Answer. He is.

Redirect:

Q. Have these reports concerning George Q. Cannon been reported lately since the election, and who have been the parties busy in circulating them?—A. I have heard some reports recently; cannot state by whom circulated. I heard them also before election.

L. S. HILLS.

Sworn to and subscribed before me this 20th day of January, A. D. 1873.

E. SMITH,
Probate Judge Salt Lake County.

JOHN T. CAINE sworn:

I am forty-four years of age; one of the editors and publishers of the Salt Lake Herald; have resided here over twenty years. I have generally attended the elections when I have been in the city. I attended the last general election, held August 5, 1872. The elections, as far as I have seen, have been conducted fairly and impartially, and I have witnessed no interference with any person in the discharge of the elective franchise. The right of challenge has never been forbidden or interfered with. I have seen a good deal of challenging on both sides. There were present the friends of both parties looking after the interests of their candidates. There was more electioneering by the friends of Mr. Maxwell than by the friends of Mr. Cannon. I remained at the polls but a short time, and there was no interference with the exercise of challenges nor electioneering.

Cross-examination:

Question. Is it or is it not generally understood and reported in this community to be the fact that George Q. Cannon, Delegate-elect, is living in the practice of what is generally known and termed polygamy?

(This question, and the answer sought to be elicited, are specially objected to on the ground—

First. That it is not concerning anything that has been brought out in the direct examination.

Second. That the facts sought to be elicited cannot be proved by general reputation.

Third. That any reports circulated by the friends of George R. Maxwell since and at the election could not be, under any circumstances, considered as competent proof to prove anything.

Fourth. That an examination of this kind would take up the time for taking testimony of the Delegate-elect, which is already very limited.

The objection is sustained. The contestant excepts to the ruling.)

Cross-examination by Mr. HANDY:

Q. At the last general election, held August 5, 1872, whom did you see advocating the claims of or distributing tickets for George R. Maxwell for Delegate to Congress and whom for George Q. Cannon at the polls?

A. I don't know that I can state names. I believe I could point out

the men whom I saw advocating the claims of George R. Maxwell, but I do not know their names. I was at the polls about an hour or an hour and a half at different times during the day.

JOHN T. CAINE.

Sworn to and subscribed before me this 20th day of January, A. D. 1873.

E. SMITH,
Probate Judge Salt Lake County.

E. M. BARNUM sworn:

My age is forty-eight years; occupation, attorney at law; have resided in Salt Lake City about nineteen months. I have been at polling-places at times of election in 1871 and 1872 in Salt Lake City. I never saw anything at the said elections that I called unfair. Contrasted with elections that I have seen at other places, from Ohio to Georgia and from New Hampshire to Oregon, they appear to be conducted with as much apparent fairness and impartiality, and with the same ease for voting, as in any election that I have ever seen. I did not vote for Delegate to Congress at the last election, but was at the court-house once and at the city-hall three or four times during the day of election. Both were places at which votes were being cast. The friends of Mr. Maxwell and Mr. Cannon appeared to be exercising their privileges at the polls without any hinderance. I saw no unusual disturbance, not so much as I have seen at elections in other places; and every appearance, both in the house and in the street, showed that there was no hinderance to the exercise of free voting. I am not a Mormon, and am in no way whatever connected with the Mormon Church.

By Mr. MANN:

Question. From what you have seen of this community since you have been here, what would you say of them with regard to their observance of law and good order?—Answer. I have seen nothing to indicate anything but the same general observance of law and good order of society that prevails among other people of the same kind and class in other parts of the United States.

Q. Have you ever seen anything that would lead you to think that there ever existed anything like the Danites or Destroying Angels?—A. I have seen nothing whatever, and I hardly know what is meant by them as destroying angels, of which I have read much in books written about Utah and the Mormons. I have heard the terms frequently used by both Mormons and Gentiles, but I suppose rather in jocose language, just as I have heard the word ku-klux used here as a familiar by-word.

Cross-examination by Mr. HANDY:

Q. Is it or is it not generally understood and reported in this community to be the fact that George Q. Cannon is living in the practice of what is generally known and termed polygamy?—A. It is generally reported that he is. All the reports that I can call to mind with regard to this matter have been from Gentiles like myself. I cannot call to mind that I have ever heard a person whom I knew to be a member of the Mormon Church affirm or deny the report, but it has been very currently reported and generally believed among the Gentiles that George Q. Cannon was living in polygamy. I never heard but little said about it before the question of his eligibility arose on his nomination to the delegateship, before the day of election as well as

subsequently, but it was talked about before as well as since election-day as freely and publicly as any matter connected with the issue. The matter was discussed shortly after his nomination to the office of Delegate, at a meeting held in the old Tabernacle.

Redirect by Mr. MANN:

The meeting held in the Tabernacle was a political meeting held for the purpose of nominating all county officers as well as Delegate to Congress. This was the old Tabernacle, so known and called.

E. M. BARNUM.

Sworn to and subscribed bofore me this 20th day of January, A. D. 1873.

E. SMITH,
Probate Judge.

THEODORE MCKEAN sworn:

I am forty-three years of age; am territorial road commissioner; came to the Territory nineteen years ago; lived here most of the time since.

By Mr. MANN:

Question. Were you here in the spring and early summer of 1862?—Answer. Yes.

Q. And if so, what occurred in relation to the arrest of parties known as Joseph Morris and Banks?—A. In the first place, as far as I can recollect, there was a writ of *habeas corpus*, issued by John F. Kinner, chief justice of the Territory, appointed by the President of the United States, and placed in the hands of Judson L. Stoddard, deputy marshal, for service. The writ required Joseph Morris, John Banks, and others, to bring before the court certain parties which they held in custody, under sentence of death, as it was reported. He proceeded to serve the writ. It was torn to pieces in his presence, trampled under their feet, and they used violent language and threats, and they said they did not regard it. I understood that previously Mr. Burton, the sheriff, had undertaken to serve a writ. The parties upon whom the writ was served took him prisoner, had their guns cocked and pointed towards him, but he finally escaped. Subsequently there was another writ issued by Judge Kinney. Upon the affidavit of Judson L. Stoddard, and application by the judge and deputy territorial marshal, a requisition for a *posse comitatus* was made upon the governor of the Territory. The deputy marshal, with a posse, proceeded to Kingston Fort, about thirty or thirty-five miles from the city, where the parties were. I was with the posse. I presume that Morris and his party had over one hundred stand of arms. They were entrenched in cellars, and had embankments thrown up. They also had log-houses, port-holes in them, through which they fired. They had with them their women and children. The day that we arrived a proclamation was sent by the marshal to Morris, Banks, and others, in which they were requested to surrender as prisoners, and if they did not, to remove their women and children. They did not comply with the requirements of the writ or proclamation, and men were seen running across the fort with guns, ready for resistance. Firing soon commenced from the fort, and one of our posse was killed, named Jared Smith. The posse fired back, and there was a continued firing upon our posse for three days. They would commence as early as 4 o'clock in the morning, as soon as they could see any of our men. On the third day another one of our posse was killed,

named Whiplin, and on the evening of the third day they surrendered. Two persons were killed in attempting to serve these writs. There were several of those who were resisting the service of these writs who were killed or wounded, among whom were Banks and Morris. They did not remove their women and children, and some of them might have been killed or wounded during the time we were attempting to serve these writs. This posse was ordered out by the governor of the Territory, after it was ascertained that the writs could not be served by the civil authorities; at least it was so stated by a deputy marshal who attempted to serve a former writ.

Cross-examined by Mr. HANDY:

I know of the issuance of the writ of *habeas corpus* by information from the judge. In relation to the tearing the writ to pieces, and the violence used and threats made, I was told by the deputy marshal. I saw the writs or warrants which were issued; they were issued against Morris, Banks, and Klemgard, and several others, whose names I do not remember. The posse was of the militia, called out by the commander of the militia. The militia of the Territory is called the Nauvoo Legion.

By Mr. MANN:

Q. Were there not writs against these parties for horse-stealing and other such like depredations?—A. It was reported that writs had been issued for parties living at Kingston Fort. Judson L. Stoddard is now dead.

THEODORE McKEAN.

Sworn to and subscribed before me this 20th day of January, A. D. 1873.

E. SMITH,
Probate Judge Salt Lake County.

ADAM SPEIRS sworn:

I am thirty-eight years of age; occupation, blacksmith; reside in Salt Lake City; have resided here twenty-four years; I have witnessed elections here, and been judge of the election for several years past in the first precinct; the elections have been conducted according to the statutes of the Territory, in a fair and impartial manner; all parties have been allowed the right of challenge, and all parties have freely presented the claims of their respective candidates. I was present at the election in the first precinct on the 5th August, 1872, and acted as judge of the election in that precinct. George Q. Cannon and George R. Maxwell were candidates for Delegate from this Territory to the Forty-third Congress of the United States. The friends of each of said parties were allowed the privilege of the elective franchise, and there was no obstacle in the way of either party exercising the right of challenge, which both parties did frequently during the day without any hinderance. These challenges were freely and honestly considered by the judges. No person was allowed to vote who was not a legal voter, that I am aware of. The friends of each of those parties advocated freely the claims of their respective candidates about the polls. The election was conducted in an orderly manner, and fairly. I asked the gentlemen who had remained as challengers during the day, at the closing of the polls, if they had seen any partiality to either party in the judge of election. They said they had not, and acknowledged it had been conducted fairly.

By Mr. MANN:

Question. Have you ever seen anything since you have been in the Territory, at any of the elections or anywhere else, which would lead you to believe that the elections were controlled by Brigham Young or any other party?—Answer. The people have always voted according as they wished, as far as I am aware. I have always done so myself; no one has ever attempted to control me in relation to my vote. If I could not vote with perfect liberty I would not vote at all.

Cross-examined by Mr. HANDY:

Women voted at the last election very freely, and some women evidently of foreign birth voted. These women were either wives or daughters of naturalized citizens, and are allowed to vote by the statute. Such women were nearly all challenged, and were decided to be allowed to vote by the statute. It was decided by judges of election that wives or daughters of naturalized citizens were not obliged to take out naturalization papers in order to constitute them voters.

Q. Were you present in Salt Lake City in 1870 on the occasion of the holding of a mass convention in Walker's old store for the purpose of nominating candidates for county officers, and were you in the vicinity where such meeting was held?—A. I was.

ADAM SPEIRS.

Sworn to and subscribed before me this 20th day of January, A. D. 1873.

E. SMITH,
Probate Judge Salt Lake County.

WILLIAM JENNINGS sworn:

I am forty-nine years of age; merchant, vice president of the Utah Central Railroad, president of the Wasatch and Jordan Valley Railroad, director of the Deseret National Bank, and director of Zion's Co-operative Mercantile Institution. I have lived in the Territory twenty years; have been engaged in mercantile business most of the time; have been member of the Mormon Church twenty years; have passed through the endowment-house, and am acquainted fully with the ceremonies and rites there performed.

By Mr. MANN:

Question. Is there any oath, obligation, or covenant taken in the endowment-house, or in any other place, against the Government or officers of the United States, or to avenge the blood of Joseph Smith upon the Government of the United States or any person?—Answer. No; the Government of the United States is not mentioned in any way in the endowment-house. We hold the Constitution of the United States as a sacred instrument, and the Government of the United States the best government on earth. It is so taught by all the leaders of the church.

Q. Does Brigham Young or any other person in the church attempt to control the members thereof in voting for any person or measure?—A. As a church matter, no.

Q. Provided that Brigham Young or any other leader in the church should request any member thereof to vote for any particular person or measure, and he should refuse so to do, would that affect his standing in the church or community?—A. Not to my knowledge. I have voted for whomsoever I pleased. I have crossed some names on tickets and

inserted others. If it has injured my standing or reputation I do not know it. I have attended elections here pretty generally and cast my vote. I am a member of the territorial legislature; have run for that position in opposition to Horace S. Eldredge, one of our leading men, and who was favored by President Young, and beat him. The elections have been conducted in a fair and impartial manner. I was at the election in August, 1872, when Maxwell and Cannon were running for Congress. The election was conducted fairly and impartially, and were allowed to advocate the claims of their respective candidates. Single men and single women can go through the endowment-house, and it is only a religious ceremony.

Cross-examined by Mr. HANDY:

Q. Have you ever seen George Q. Cannon in the endowment-house at the time of performing the ceremonies?—A. I think I have seen him there, but not performing or officiating in any ceremonies.

Q. Were you present in Salt Lake City at the time of a mass convention at Walker's old store for the nomination of candidates to county offices in 1870?—A. I was.

Q. Were you present in Salt Lake City on the occasion of the attempting to hold a ratification meeting in front of the Salt Lake House in this city, on the Saturday evening previous to the last general election?—A. I don't know; I don't remember the meeting. I think I was in the city the Saturday before the election.

WILLIAM JENNINGS.

Subscribed and sworn to before me this 20th day of January, A. D. 1873.

E. SMITH,
Probate Judge Salt Lake County.

Adjourned to to-morrow, Tuesday, January 21, 1873, at 10 a. m.

JANUARY 21, 1873—10 a. m.

Mrs. LOUISA WOODS sworn:

I have resided in Salt Lake City nearly two years; am the wife of George L. Woods, the governor of this Territory. I voted at the election held August 5, 1872, at the court-house. I voted for George R. Maxwell, as Delegate to Congress. The election, as far as I saw, was conducted in an orderly and quiet manner.

LOUISA A. WOODS.

Sworn to and subscribed before me this 21st day of January, A. D. 1873.

E. SMITH,
Probate Judge of Salt Lake County.

REBECCA S. MAY sworn:

I have resided in Salt Lake City since one year last August. I voted at the election held in Salt Lake City last August. I voted for General Maxwell. My vote was not challenged, and I was not in any way interfered with at the polls. The election was conducted in a perfectly orderly and quiet manner.

Cross-examined by Mr. MAXWELL:

Was at the polls about five minutes, as near as I can judge. I do not know whether the ladies and men voted in the same room or not. I

have never heard of any ladies on either side being disturbed at elections. I have always understood that it was a peculiar characteristic of the elections in Utah that the ladies were never disturbed.

MRS. R. S. MAY.

Sworn to and subscribed before me this 21st day of January, A. D. 1873.

E. SMITH,
Probate Judge of Davis County.

LEONARD W. HARDY sworn:

I am sixty-seven years of age; merchant. I have resided in Salt Lake City twenty-three years; was one of the judges of election at the fourth precinct at the last August election. I have generally attended the elections at Salt Lake City since I have been here. The elections have always been conducted in an orderly and quiet manner. The right of the friends of candidates has always been exercised freely. I have never known the ballots to be compared with the poll-lists to ascertain how any particular person voted. I was at the election, and was judge of the election held on August 5, last. The election was conducted in a quiet and orderly manner, and according to law strictly, as far as I understand it. This was the election at which George Q. Cannon and George R. Maxwell were running for delegate to Congress. Each party had friends advocating the claims of their respective candidates. I saw parties with tickets on both sides. I saw no difference in each one having the privilege of doing what they desired to do. I am a member of the Mormon Church, and have been for forty years. I am acquainted with the doctrines and discipline of the church. I have had all the endowments.

By Mr. MANN:

Question. Is there any oath, obligation, or covenant in the endowment, or in any other place in the Mormon Church in hostility to the Government of the United States or any of its officers?—Answer. No.

Q. Is the Government of the United States mentioned in the ceremony of the endowment?—A. No.

Q. Does Brigham Young or any other person connected with the Mormon Church control or attempt to control its members in voting for men or measures?—A. No. I have never been interfered with in any such way. I have always voted for whom I pleased.

Q. Supposing Brigham Young or any other person in the Mormon Church should request you or any other member of the Mormon Church to vote for any particular person or measure, and you or they should refuse so to do, would that affect your or their standing in the church?—A. I don't know. There never was any such thing asked me. I don't think it would. I think I have a right to vote as I please.

Q. How long are the officers of the Mormon Church elected, and how long is their tenure of office?—A. They are elected twice a year, at each conference, 6th April and 6th October. They are brought up before the people and sustained by the people.

Cross-examined by Mr. MAXWELL:

I am bishop of the twelfth ward. I have resided in Salt Lake City for twenty-three years. I have made it my exclusive home during that length of time.

Q. What is the endowment obligation?—A. I don't know that I shall tell. I don't think I am obliged.

Q. Did you ever take a list of names of the persons in your ward and cast votes for them without their being present?—A. Never. At the close of the last election General Maxwell congratulated me for having conducted the election in an honorable and fair way. It was not one of my rulings that day that a person who had resided in Salt Lake City one year but had not paid taxes should not vote.

Q. Is it not the fact that it is the policy of both parties at the polls not to interfere with the women voting?—A. I think that both parties did not challenge much. There were some women challenged on account of age. I am acquainted with George Q. Cannon.

Q. Is it not generally reported throughout the Territory that George Q. Cannon is a polygamist?

(Question is objected to for the same reason as previous question of the same nature put to John T. Caine.)

Q. How long have you known George Q. Cannon?—A. About twenty years.

Q. You said you were acquainted with the doctrines of the Mormon Church. How did you get acquainted with them?—A. By living in the community; by hearing them preached; by studying them; and by living them.

Q. Is polygamy one of the fundamental doctrines of the church?—A. Of course it is, and I believe it.

Q. Whom have you heard teach this doctrine?—A. I have read it in a revelation given from God to Joseph Smith in 1843?

Q. Is George Q. Cannon one of the teachers of the doctrines of the Church of Jesus Christ of Latter day Saints, and if so, have you ever heard him teach this doctrine?

(Objection made for the same reasons as the last above objection. The objection is not sustained. To which ruling the attorney for Delegate-elect excepted.)

A. I have heard him teach it publicly.

Redirect by Mr. MANN:

Q. Are these ceremonies in the endowment-house private and of a masonic nature, and are you not obligated not to reveal them?—A. They are private; yes. This is the reason why I refused to answer General Maxwell's question with regard to the obligations of the endowment.

By Mr. MAXWELL:

Q. Are you a mason?—A. Yes, sir, I am.

L. W. HARDY.

Sworn to and subscribed before me this 21st day of January, A. D. 1873.

E. SMITH,
Probate Judge of Salt Lake County.

JOSEPH E. TAYLOR sworn:

I am forty-three years of age; by occupation, undertaker; have resided in Salt Lake City twenty years. I have frequently attended elections in this city, and they have been conducted fairly and peaceably. I attended the last election when George Q. Cannon and George R. Maxwell were contesting for Delegate to Congress. The election was conducted peaceably, fairly, and orderly. Each party did challenge the voters, and were not interrupted, so far as I recollect. Each party was at the poll distributing tickets for both candidates. I have been through

the endowment ceremonies of the Mormon Church. An unmarried person can go through those ceremonies.

By Mr. MANN:

Question. State if there is any oath or obligation administered in the endowment-house, or any other place in the Mormon Church, in hostility to the Government of the United States or any of its officers, or to avenge the blood of Joseph Smith upon the Government of the United States or any of its officers?—Answer. There is not.

(Objected to for it is leading, intended to prove a negative; if such a thing is possible, known to the rules of evidence, witness may state what did occur, but should not state what did not occur.

Counsel for Delegate-elect states that he has been shown by several witnesses on the stand that the ceremonies performed in the endowment-house are of a masonic or private nature, and that it is impossible to ascertain what ceremonies are performed there; that it has been sworn to by several witnesses for the contestant that there was an oath taken in hostility to the Government of the United States, and this question is asked only for the purpose of disproving this statement made by the witnesses of the contestant.)

Q. State if the Government of the United States is mentioned in the ceremonies of the endowments.—A. It is not.

Q. State when and for what length of time are the officers of the Mormon Church elected.—A. They are elected semi-annually; this includes all the offices held by Brigham Young in the church.

Cross-examined by Mr. MAXWELL:

Q. State what the endowment obligations are.—A. They are strictly private.

JOSEPH E. TAYLOR.

Sworn to and subscribed before me this 21st day of January, A. D. 1873.

E. SMITH,
Probate Judge of Salt Lake County.

PARLEY L. WILLIAMS sworn:

I am thirty years of age; attorney at law. Have resided in Salt Lake City about seven years. I remember attending a municipal election in 1866. I have been in the city and around the polls at several elections. On the occasion that I particularly remember, everything was conducted fairly; canvassers for two opposing tickets were exercising their right to canvass freely for their respective candidates. The right of challenge was freely allowed.

By Mr. MANN:

Question. Are you a member of, or in any way connected with, the Mormon Church?—Answer. I am not.

Q. From what you have seen of the Mormon people, what do you say of them concerning their disposition as a fair-dealing and law-abiding community?—A. Speaking of them as a community, I should say of them that they are fair-dealing and law-abiding as far as I am acquainted.

Q. Since your residence here have you ever seen anything to induce you to think that Brigham Young or any other person controlled the election here, and in any way prevented the people from exercising the free right of suffrage?—A. I have never seen anything that would in-

duce me to think that he attempted to prevent any one from voting as he chose; it has been my opinion from what I have seen, that many of the Mormon voters were largely influenced by what they conceived to be Brigham Young's pleasure; but I suppose that they deferred to what they supposed to be the judgment of Brigham Young voluntarily.

Q. Have you ever seen anything since your residence in the Territory, that would induce you to think that there was any orgaization connected with the Mormon Church called the Danites, or Destroying Angels, or any other organization of an unlawful nature connected with the Mormon Church?—A. I have not.

Q. Do you know how often the officers of the Mormon Church are elected?—A. I think at each semi-annual conference; they have been whenever I have attended conference, and I have attended several.

Cross-examined by Mr. MAXWELL:

I am law-partner of Le Grand Young, nephew of Brigham Young.

Q. Do you know of the law of Congress of 1862, prohibiting polygamy?—A. I do.

Q. You stated that the Mormon people, as a community, were law-abiding; do they abide that law?—A. To the best of my knowledge they do as a community. I believe there are exceptions. I have heard of several.

Q. Is it not a fundamental doctrine that this law should be disobeyed?—A. Polygamy is a fundamental doctrine of their religion. I have not been in a position to *know* whether Brigham Young controls the elections or not. In 1866 there was an opposition ticket. I voted the regular ticket. Bishop Edwin D. Woolley ran for councilman, or alderman, in place of Jeter Clinton, and was elected.

Q. Did Mr. Woolley ever act in the capacity to which he was elected?—A. I think not.

Q. Do you know any reason why he did not act?—A. No; I did not know. I have voted only once in the Territory.

Redirect by Mr. MANN:

Q. What person on the regular ticket was defeated by the opposition?—A. Le Grand Young, who is now my law-partner and a nephew of Brigham Young.

By Mr. MAXWELL:

Q. Was President Young in favor of Le Grand Young's election?—A. I do not know; my impression is that he was in favor of it.

P. L. WILLIAMS.

Sworn to and subscribed before me this 21st day of January, A. D. 1873.

E. SMITH,
Probate Judge, Salt Lake County.

J. C. LIDDELL sworn:

I am thirty-six years of age; merchant. I have resided in Salt Lake City about one and a half years, and been here off and on for four years. I attended the elections here on 5th of August last. I saw nothing unfair. Everything was as fair and impartial as any election I ever saw, and I have seen many in the States. I deposited my vote. Nobody tried to influence me in any way whatever. I did not stay but a few moments at the polls.

By Mr. MANN:

Question. Have you seen anything since you have been in the Territory to induce you to think that any partiality is exercised at the elections?—Answer. I have not. I am not a Mormon. I voted at the city-hall.

J. C. LIDDELL.

Sworn to and subscribed before me this 21st day of January, A. D. 1873.

E. SMITH,
Probate Judge of Davis County.

JETER CLINTON sworn:

I am sixty years of age; magistrate of Salt Lake City, holding court at the city-hall, Salt Lake City. I have been a member of the Mormon Church thirty years. I have resided in this Territory twenty-two and a half years; have generally attended elections; have acted as justice of the peace twelve years. By virtue of the office of justice of the peace, I have acted as judge of election. The elections have been conducted according to law, to the best of my ability as judge of the elections. It is only the last few years that there has been any opposition at elections here; but since opposition has commenced, challenges have been freely allowed, and friends of each party have had the privilege of electioneering for their respective candidates, and have had the privilege of distributing tickets, both in the house and out of it, without hinderance. The elections here, as far as I am acquainted with elections in the States, are quite as orderly as those in the States. I don't recollect of there being a fight at an election since I have been in the country. Neither Brigham Young nor anybody else has exercised undue or unfair influence in the elections. I always voted for whom I pleased, and I suppose everybody else does the same, from the fact that nineteen scratched my name off the regular ticket and put other names on. I have been through the endowment-house.

By Mr. MANN:

Question. State whether there is any oath, obligation, or covenant administered there in hostility to the Government of the United States or any of its officers, or to avenge the blood of Joseph Smith on the Government of the United States or any of its officers, or administered in any other place in connection with the Mormon Church, or anything of that nature?—Answer. I know there is nothing of that kind taught or counselled to be done by any person in the Church of Jesus Christ of Latter-Day Saints, to my knowledge.

Q. State if there is or is not any order or organization connected with the Mormon Church called Danites, or Destroying Angels?—A. There is no such organization in the church, to the best of my knowledge; but they could not get that up without my knowing it.

Q. How often are the officers of the church elected?—A. They are elected every six months. This includes all the offices that President Young holds in the church.

JETER CLINTON.

Sworn to and subscribed this 21st day of January, A. D. 1873, before me.

E. SMITH,
Probate Judge of Salt Lake County.

S. J. DESPAIN sworn:

I am forty-nine years of age; farmer; have resided in the Territory eleven years last August. I have attended some elections, and those that I have attended have been conducted, according to my judgment, correct; according to law, in a fair and impartial manner. I was judge of election at Granite precinct, Little Cottonwood, at the last August election. It was conducted in a very peaceable and quiet manner. There was some challenging by both parties. No quarreling nor disturbance of any kind.

Cross-examined by Mr. MAXWELL:

Question. Were there any opposition votes polled at that precinct? If so, how many were there?—Answer. Yes, there were. I do not know how many.

S. J. DESPAIN.

Sworn to and subscribed before me this 21st day of January, A. D. 1873.

E. SMITH,
Probate Judge of Salt Lake County.

ANDREW BURT sworn:

I am forty-four years of age; captain of police. I have been in the Territory twenty-five years; have been captain of police ten years; have attended quite a number of elections in this city. They are conducted, as far as I am enabled to judge, in a lawful and orderly manner. Challenges have been allowed on the part of either party, uninterruptedly, and parties have been allowed to advocate the rights of their respective candidates, and distribute tickets outside or inside the house. I was at the last general election at the city-hall, held in August, when George R. Maxwell and George Q. Cannon were contesting for the office of Delegate to Congress. This election was a very quiet, orderly election. Both parties had challengers there. There were no obstructions offered to the challengers. Both parties were advocating the claims of their respective candidates. The police were instructed by myself to keep good order, and see that every man had his rights, and to challenge no votes. This I instructed them the night previous to the election. As far as I know, no policeman challenged any votes at that election. I know of no unfair influence used by any person to control the election. I furnished Mr. Maxwell's challengers chairs, and invited them inside the bar or table at which the judges sat. I never knew the ballots and poll-lists to be compared to see how any particular person voted.

By Mr. MANN:

Question. State as concisely and as accurately as you can what occurred in 1862 in relation to Joseph Morris and John Banks.—Answer. I was called on to go as a part of sheriff's posse, called by the governor, to arrest Joseph Morris, John Banks, and others for resisting the law; to the best of my recollection they had two men condemned to death in their fort whom they refused to release when ordered to do so by Chief Justice Kinney, of the supreme court of Utah, appointed by the Government of the United States. Papers were issued by Chief Justice Kinney, and placed in the hands of the territorial marshal for service. After getting to this fort on Weber, the fort was composed of log-houses chiefly. There was a party inside the fort named the Morrisites; there were several hundreds of them. The night before we reached there we

camped about two miles from the fort. Next morning two men were sent with a white flag into the fort to request Morris and the other parties for whom the writs were issued to quietly surrender themselves to the officers of the law who were there. In a very short time they returned, bringing the information that the parties refused to surrender. Then another party was sent into the fort with a proclamation, requesting that all the women and children, and other peaceably disposed persons, should come out and they should be protected. This was not generally complied with; one or two parties came out. The officer in charge directed the gunners to fire a gun over the houses of the fort into a plowed field. The gun was fired, and immediately afterward I could see men running with their guns, and they immediately commenced firing back. One of the party who were endeavoring to make the arrest was killed; his name was Jared Smith. The firing was continued that day and part of the next day, I think; then they surrendered. Of the posse two were killed; of the other side, Joseph Morris, two women, and John Banks were killed, I believe. I was captain in the militia, but the company I belonged to was not called upon in this posse.

ANDREW BURT.

Sworn to and subscribed before me this 21st day of January, A. D. 1873.

E. SMITH,
Probate Judge of Salt Lake County.

ALBERT DEWEY sworn:

I am forty-six years of age; market-master and inspector of Salt Lake City. I have been in the Territory twenty-five years. In 1862 I heard considerable talk about resisting officers who went to serve some writs at the Morrisite camp. On one occasion Mr. Burton and Mr. McKenn were in the office of Judge Kinney, chief justice of the Territory of Utah. I heard the judge say to them that something must be done in the Morrisite case, for they had resisted the service of a writ of habeas corpus which has been served against Joseph Morris, John Burke, and others. I also heard Judson S. Stoddard give an account of the resistance made against him as deputy marshal, stating that if he did not leave the camp soon they would take care of him, threatening violence to his person if he did not leave immediately. I heard Judge Kinney, upon two occasions, urge the necessity of a posse to enforce the law. I was called upon as one of the posse when it was called by the acting governor, Mr. Fuller. We went from here and camped within about two miles of their camp. Next morning went on to the brow of the hill overlooking their fort. The fort, in form of a square of log-houses. There were people there calling themselves Morrisites, consisting of men, women, and children. A white flag was sent in to their camp immediately after our arrival on the hill; they seemed to pay little or no attention for a little time after our flag-bearer returned. Soon afterward the men portion of the camp that were in sight, that were in the bowery, scattered out to different parts of the fort; some men remained in the bowery together with some women and children; quite a time elapsed before any demonstration was made on the part of the posse. Soon after a gun was put into position, thinking perhaps it would awe them into subjection, but no stir was made on their part to surrender. The gun was fired afterward over the camp. A proclamation had been sent in in relation to their women and children. They all left the bowery

that they were in and went into their houses. They soon commenced firing from their side. We commenced moving down into the bottom, leaving our horses mostly, when we found we had to scatter out to keep from being shot; and so the fight went on during the day. The first man killed belonged to the posse; his name was Smith; the next day it rained very hard during the whole day; not much fighting; on the third day the fighting continued; another one of the posse was killed: I forget his name. There was a battery rigged up by the posse out of willows, attached to the running gears of a wagon or something of the kind, and rolled up to a house where there was a number of them in the basement, soon after which they surrendered. On the side of those resisting the posse, Mr. Morris and Mr. Banks were killed in the fray. I saw a woman lying on the ground dead. I was not present when they were shot; my post was in a different quarter.

ALBERT DEWEY.

Sworn to and subscribed before me this 21st day of January, 1873.

E. SMITH,
Probate Judge of Salt Lake County.

GEORGE H. KNOWLDEN sworn:

I am thirty-six years of age; am grain and flour merchant; have resided in Salt Lake City nine years. I have attended the elections in Salt Lake City since I became a citizen of the United States. As far as my knowledge extends, the elections had been conducted orderly, quietly, and in a lawful manner. The right of challenge was freely exercised, without hinderance. The friends of each party freely canvassed the claims of their respective candidates without hinderance. I was present at the August election of 1872, when George R. Maxwell and George Q. Cannon were running for the office of Delegate to Congress. I have never known anybody since I have been in the Territory attempt to control the elections in an unfair manner. According to my judgment, they were fair as far as I could judge. I don't know how far I am a judge of fairness.

Cross-examined by Mr. HANDY:

Question. Did I understand you to say that, so far as your experience went, persons of all parties had been allowed, without hinderance, at all times to advocate the claims of their respective candidates for office?—Answer. I wish so to be understood.

Q. Were you present in Salt Lake City on the evening of the Saturday next preceding the last general election in Utah Territory, held on August 5, 1872, at the time of the attempted holding of a meeting in front of the Salt Lake House, in this city, and were you in the vicinity of that place?—A. I was.

GEORGE H. KNOWLDEN.

Sworn to and subscribed before me this 21st day of January, 1873.

E. SMITH,
Probate Judge of Salt Lake County.

Adjourned to to-morrow, 22d, at 10 a. m.

JANUARY 22, 1873—10 a. m.

FRANK TILFORD, sworn:

I am resident of Salt Lake City; attorney at law, and, in conjunction with my partner, Mr. Mann, have been acting as attorney for Mr.

Cannon in this present contest. I am acquainted with V. A. Witcher, attorney at law of Provo City, Utah. I have read his deposition, taken before Ira M. Swartz on 24th December, 1872. It is true, as stated by Mr. Witcher, that on or about the 21st of December last he served on me a notice that he would take depositions for Mr. Maxwell two or three days thereafter. Mr. Witcher has not stated, however, the facts and circumstances connected with said notice. The notice served was verbal and not accepted by me as sufficient, nor did I then, nor at any time, waive any of the formalites of notice required by the act of Congress, nor the time required by that act. Before this, I had more than once informed Mr. Witcher in direct language that I would not waive, on behalf of Mr. Cannon, anything required in the notice by the act of Congress. This information was given to Mr. Witcher in answer to his requests than I should enter into a stipulation to take testimony in this case upon less than the statutory notice of ten days for the first, and five days for subsequent depositions.

FRANK TILFORD.

Sworn to and subscribed before me this 22d day of January, A. D. 1873.

E. SMITH,
Probate Judge of Salt Lake County.

HOSEA STOUT sworn:

I am a resident of Salt Lake City; have resided here twenty-four years; in this Territory since 1848. Am attorney at law; am a member of the Mormon Church, and have been thirty-four years since 1838; I have been through the endowment-house, and taken all the covenants administered in that house and am familiar with the rites and ceremonies thereof; they are all of a religious nature, masonic or private, and strictly moral in their tendency, and are intended and I believe are for the moral and spiritual elevation of those participating. There is no oath, covenant, or obligation administered there or elsewhere in the Mormon Church in hostility to the Government of the United States or any of the officers thereof, or to avenge the blood of Joseph Smith upon the Government of the United States or any of its officers. There is no person in or connected with the Mormon Church who does or attempts to control any of its members in the free exercise of the right of suffrage, as far as I know. I have generally voted at the elections in this Territory, and have always voted as I chose, freely and without interference or control of any other person. Whenever I have had any favorite candidate, I have advocated their cause, and been sometimes successful and sometimes unsuccessful. The Mormon Church is democratic in its organization, and all the principal officers thereof are elected every six months by the people, every member of the Mormon Church having an equal right to vote at such elections without regard to sex or condition. This includes all the offices held by Brigham Young. I have never known the ballots to be compared with the poll-lists to ascertain how any person voted.

By Mr. MANN:

Question. Supposing President Young, or any of the leaders of the Mormon Church, should request any of its members to vote for any particular person or measure, and he should refuse so to do, would this refusal in any way affect his standing in the church and community?—Answer. It would not, and if any such thing was attempted it would

be considered an unwarranted assumption of power, and interference with the rights of free suffrage. From my long residence in Utah Territory and long membership in the Mormon Church, I am familiar with its doctrines and workings. There is no such organization in the Mormon Church or the Mormon people as Danites, or Destroying Angels. I have held the office of attorney-general for Utah Territory, and if there had been any such organization as the one referred to, I should most certainly have known it. I was at the city-hall quite a number of times at the election in 1872, when George R. Maxwell and George Q. Cannon were running for the office of Delegate to Congress from this Territory. The election was conducted according to law, fairly and peaceably; each party exercised the right of challenge without any hinderance, and each party at and around the polls freely distributed tickets and advocated the claims of their respective candidates without being molested or interfered with by any one. There were men sitting inside the voting table challenging in behalf of Maxwell. The Constitution of the United States is held by the Mormon people as an inspired instrument, and the Mormon people are taught by their leaders to observe it as such. We consider the Government of the United States the best in the world, and are taught by the leaders of the Mormon Church to respect it as such.

HOSEA STOUT.

Sworn to and subscribed before me this 22d day of January, 1873.

E. SMITH,
Probate Judge of Salt Lake County.

HAMPDEN S. BEATIE sworn:

I am resident of Salt Lake City; have been in the Territory about twenty-three years; am a merchant. Have been a member of the Mormon Church about twenty-two years. I have attended elections in most every instance and voted; those elections have been in my opinion conducted in a lawful, peaceable, and orderly manner. No person to my knowledge has ever attempted to control the elections. I was at the election held on 5th August, 1872; it was conducted as peaceably and quietly as any election I ever attended. Parties exercised the right of advocating the claims of their respective candidates, and did challenge the votes of persons as they saw fit, without hinderance. I have been through the endowment-house. There never was administered to me any oath, obligation, or covenant, in hostility to the Government of the United States, or any of its officers, or to avenge the blood of Joseph Smith upon the Government of the United States, or upon any of its officers. The Mormon Church is democratic in its organization. The principal officers are elected every six months, and each member has a right of one vote for each officer without regard to his position in the church. This includes all the offices held by Brigham Young in the church. We as a people believe that the Constitution and the Government of the United States are framed by inspiration, and we are taught by our leaders to be always true to them, and that it is the best Government on earth.

H. S. BEATIE.

Sworn to and subscribed before me this 22d day of January, A. D. 1873.

E. SMITH,
Probate Judge of Salt Lake County.

SAMUEL P. TEASDEL sworn:

I am thirty-eight years of age; merchant; resident of Salt Lake City twenty years. Have been a member of the Mormon Church twenty-two years. I have generally attended elections in this city, and had the greatest of freedom in voting without any hinderance or intimidation. The right of challenge has been freely exercised, and opposing candidates have had friends at the polls electioneering for them and distributing tickets without hinderance or molestation. No person to my knowledge has ever attempted to control the elections or influence the vote of the people in any way whatever, unduly.

By Mr. MANN:

Question. Supposing Brigham Young, or any other person in the Mormon Church, should request any member thereof to vote for any particular person or measure, and he should refuse so to do, would that in any way affect the standing of such person in the church or community?—Answer. None whatever, in my experience. I have in some instances scratched the regular ticket, on one occasion scratching the name of Le Grand Young, nephew of Brigham Young, and inserting another name. I publicly electioneered against Le Grand Young, who was the regular nominee and favored by Brigham Young. This in no way affected my standing in the chuch or community. I have been through the endowment-house, and am familiar with the rites and ceremonies therein performed. There is no oath, covenant, or other obligation taken there or elsewhere in the Mormon Church in hostility to the Government of the United States or any of its officers, or to avenge the blood of Joseph Smith upon the Government of the United States or any of its officers. The Government of the United States are not mentioned or referred to in any of the ceremonies. The ceremonies are of a strictly moral and religious ; have no reference to secular matters. The Constitution of the United States is held as an inspired document by the Mormon people, and we are taught to hold that and the Government sacred. The teachers of the Mormon Church teach that the Government of the United States is the best government in the world. The Mormon Church is strictly democratic in its organization, and its principal officers are elected every six months; this includes all the offices held by Brigham Young in the church. At such elections each member has the right to one vote for each officer, without regard to sex or position in the church.

SAMUEL P. TEASDEL.

Sworn to and subscribed before me this 22d day of January, A. D. 1873.

E. SMITH,
Probate Judge of Salt Lake County.

JOHN CLARK sworn:

I am thirty-seven years of age; merchant; have resided in Salt Lake City for a number of years. I have attended elections in this city generally; all the elections that I have attended have been conducted fairly and honestly according to law. I was at the election in 1872, in Salt Lake City, when George R. Maxwell and George Q. Cannon were running for Congress. The friends of each party were freely distributing tickets and advocating the claims of their respective candidates, and had challengers at the polls who freely exercised the right of challenge without any hinderance.

JOHN CLARK.

Sworn to and subscribed before me this 22d day of January, 1873.

E. SMITH,
Probate Judge of Salt Lake County.

NATHANIEL H. FELT sworn:

I am fifty-six years of age; merchant; have resided in Salt Lake City for several years; I have attended elections generally; I attended the election in Salt Lake City; voted at the third precinct, August, 1872, when George R. Maxwell and George Q. Cannon were running for Congress. The election was conducted fairly and orderly. Challengers were present from both parties who freely exercised their right, and there were present friends of both parties who distributed tickets and advocated the claims of their respective candidates freely, without hinderance or molestation.

NATHANIEL H. FELT.

Sworn to and subscribed before me this 22d day of January, A. D. 1873.

E. SMITH,
Probate Judge of Salt Lake County.

THOMAS R. JONES sworn:

I am forty-one years of age; lumber merchant; have resided in Salt Lake City nearly two years. I have been at the polls and have never seen anything that would induce me to believe that the elections were conducted in any but a fair and impartial manner. I am not a Mormon, and in no way connected with the Mormon Church.

T. R. JONES.

Sworn to and subscribed before me this 22d day of January, 1873.

E. SMITH,
Probate Judge of Salt Lake County.

THOMAS E. JEREMY sworn:

I am fifty-seven years of age; farmer; lived in the Territory twenty-three years. I was one of the judges of election in the third precinct in August, 1872, when George R. Maxwell and George Q. Cannon were running for Delegate to Congress. The election was conducted fairly and in accordance with the statutes. There was no disturbance of any kind at the polls. Parties on each side were allowed to canvass for their respective candidates, and each party was allowed the right to challenge freely, without any hinderance. There were parties present challenging for George R. Maxwell.

By Mr. MANN:

Question. Does any person control or attempt to control the right of suffrage, or tell voters for whom they shall vote?—Answer. No. Everybody is allowed to vote for whomsoever they please. I have always so voted—and know of no person who has tried to exercise an unfair influence in controlling votes.

THOMAS E. JEREMY.

Sworn to and subscribed before me this 22d day of January, A. D. 1873.

E. SMITH,
Probate Judge of Salt Lake County.

ALONZO H. RALEIGH sworn.

I am fifty-four years of age. Farmer; have resided in the Territory twenty-five years; have been a member of the Mormon Church thirty years. Am a bishop in the Mormon Church. I have passed through the endowment-house, and am well acquainted with the rites and ceremonies therein administered; officiate in those ceremonies, and have for twenty years. There is no oath, covenant, nor obligation administered in that house, nor in any place in the church, in hostility to the Government of the United States nor any of its officers, nor to avenge the blood of Joseph Smith upon the Government of the United States nor upon any of its officers, nor any other government. The Government of the United States is mentioned neither directly nor indirectly in that house, nor in any of the ceremonies of the church. The ceremonies in the endowment are strictly of a religious and moral nature; appertain strictly and purely to religion. There is nothing of a political nor secular nature in them. The Constitution is generally held by the Mormon people to be a sacred instrument, and the Government of the United States the best upon the face of the earth. The leaders of the church teach this doctrine, and always have taught it since I have been a member of the church. The Mormon Church is strictly democratic in its organization, and all the principal officers of the church are elected every six months. All the offices held by Brigham Young in the church are thus voted for. Each member in the church has the privilege, without regard to sex or position in the church, of voting once for each officer at each semi-annual election

By Mr. MANN:

Question. Does Brigham Young or any other person in the church control or attempt to control the votes of the members of the church?—Answer. He never has, nor has anybody else ever controlled or attempted to control me in my voting.

A. H. RALEIGH.

Sworn to and subscribed before me this 22d day of January, 1873.

E. SMITH,
Probate Judge of Salt Lake County.

HADLEY D. JOHNSON sworn, and in reply to questions stated:

I am sixty years of age; attorney at law; have resided in this city over three years. I have attended several elections in the city, and those elections which I have attended have been conducted in a fair, orderly, and peaceable manner; as much so as I have been in the habit of seeing in other cities of the same size. I was present at the election in 1872, when George Q. Cannon and George R. Maxwell were running for Delegate to Congress. The election at the precinct where I voted was conducted in a very orderly and quiet manner. Challenging was freely done by either party, and the friends of both parties freely advocated and discussed the merits of their respective candidates.

By Mr. MANN:

Question. Have you ever seen any one here endeavor to unduly or unfairly influence the voters in the exercise of the right of franchise?—Answer. No, I have not. I have seen such efforts as I have seen made in other places by partizans for their respective candidates. I see but little difference between this and other places. Although a stranger, I have been treated, when at the polls, to vote with as much courtesy as I have at any other place. I am not a Mormon, and never have been, nor

connected with the church in any way. Since my residence here I have observed things pretty closely, and am inclined to believe that the Mormon people will compare favorably with other communities as a law-abiding and peaceable and fair-dealing people.

Q. Have you ever seen anything among the Mormon people to induce you to think that there was any such organization as the Danites, or Destroying Angels?—A. No, I have never had any evidence to convince me that there ever was such an order. I know nothing about anything of the kind, only what I have read and heard alleged by anti-Mormons.

HADLEY D. JOHNSON.

Sworn to and subscribed before me this 22d day of January, 1873.

E. SMITH,
Probate Judge Salt Lake County.

DIRK BOCKHOLT sworn:

I am twenty-nine years old; am county clerk of Salt Lake County. Exhibits No. 2 to No. 19 are the poll-lists of the last August election, held August 5, 1872, in Salt Lake County. I am, as county clerk, custodian of these poll-books, and the person to whom these returns are made from the various precincts. After the returns were all made I, in the presence of Elias Smith, judge of the county court, and William C. Neal, one of the selectmen of the Salt Lake County, canvassed the returns in the manner provided by the statutes of the Territory, and made up a proper and correct statement for territorial officers, and transmitted the same to the secretary of the Territory, in accordance with the provisions of law. I have been the custodian of the ballots as well as the poll-books, and have never known any person to compare the ballots with the poll-books to ascertain in what particular manner any person voted. Nothing of this kind could have been done without my knowledge.

D. BOCKHOLT.

Sworn to and subscribed before me this 22d day of January, A.D. 1873.

E. SMITH,
Probate Judge of Salt Lake County.

THURSDAY, *January* 23, 1873—10 a. m.

EDWARD HUNTER sworn:

I am seventy-nine years of age; farmer. Have been a member of the Mormon Church thirty-three years. I have held many positions in the church. I am now presiding bishop of the whole church. I am entirely familiar with the Mormon teachings and doctrines, from my long membership in the church, and the offices I have held and those which I now hold. I have been through the endowment-house, taken all the endowments, and am quite familiar with all the rites and ceremonies therein administered.

By Mr. MANN:

Question. Is there any oath, covenant, or obligation administered in the endowment-house, or any other place in connection with the Mormon Church, in hostility to the Government of the United States, or any of its officers, or to avenge the blood of Joseph Smith on the Government of the United States or any of its officers?—Answer. None; there is none. The ceremonies and rites in the endowment house are strictly of a relig-

ious and moral character, and founded on the teachings from the Holy Scriptures, and have no relation to political or other secular matters. The Government of the United States is not mentioned nor alluded to in any of the ceremonies of the church. The Mormon people regard the Constitution and Government of the United States as sacred, and the Government of the United States the best government in the world. These things are taught by the leaders of the Mormon Church. There is no such organization in the Mormon Church or people as the Danites, or Destroying Angels. My position in the church is such that if there had been anything of the kind I must have known it. No person in the church that I ever heard of attempts to control the elections. I have always voted as General Jackson said, "perfectly untrammeled."

Q. Supposing Brigham Young, yourself, or any other leaders in the church should request any member of the church to vote for any particular person and measure, and such person should refuse so to do, would such refusal affect their standing in the church and community?—A. Not in the least. I have frequently known people scratch the regular tickets, inserting other names, and no question was ever made of it.

Q. Have you ever known the ballots to be compared with the poll-list in order to ascertain how any particular person voted?—A. No, I never have. My teachings to the bishops over whom I preside have always been given in public meetings with open doors, every and any person having perfect liberty to be present. I remember the meeting advertised by some parties to be held in Walker's old store. The heading of the handbills was "Come one, come all." The meeting was fully attended. The Mormon people made no arrangements to send any particular persons to the meeting, and there was no effort made on the part of the bishops to have this meeting attended by the Mormon people. I understood some certain partisans who were advocating the claims of certain parties were disappointed because their candidates were not sustained by this mass meeting, and afterwards adjourned to some private caucus and accused the Mormon people of breaking up the meeting.

EDW'D HUNTER.

Sworn to and subscribed before me this 23d day of January, A. D. 1873.

E. SMITH,
Probate Judge Salt Lake County.

JESSE C. LITTLE sworn:

I am fifty-seven years of age; born in Maine; am proprietor of the American Hotel. In 1862 I was appointed by Abraham Lincoln assessor of internal revenue for the district of Utah, and continued in office during his administration and a portion of that of Andrew Johnson. In February, 1870, there was issued an advertisement for a mass-meeting to be holden at Walker's old store. The invitation was given in the words "Come one, come all." The meeting mentioned by J. M. Orr in his testimony. The meeting was pretty generally attended by both Mormons and Gentiles. I was nominated and elected chairman of the meeting by the people assembled. After I was elected chairman there were some speeches made, advocating the rights of several parties for different offices, after which there were nominations made by the people for mayor, aldermen, and councilors for Salt Lake City. I put these nominations to the meeting, and they were confirmed by a large ma-

jority of the people present. After the business for which the meeting was called was concluded, we adjourned in good order. The meeting was very quiet and orderly. Some parties, in order to prevent a free gathering at this meeting, locked the front door, entering themselves and their friends the back way. The door was afterwards unlocked, and the people went in that way. I understood that partisans of certain parties were dissatisfied with their candidates not having been sustained by this mass-meeting, and that they afterwards bolted and met in secret conclave, and made different nominations. I was one of the judges of election at the municipal election succeeding the nomination, which was conducted with fairness and in good order. Each party was allowed the right to challenge, without any hinderance whatever. After the closing of the polls and the return of the ballot-boxes to the city recorder, sealed, some anxiety was shown by some of the citizens with regard to the counting of the votes, and the acting governor of the Territory, and some of the officers from Camp Douglas, were invited to be present at the opening of the ballot-boxes and the counting of the votes. The votes were fairly counted, and certificates were given to those who had received the greatest number of votes, according to law.

J. C. LITTLE.

Sworn to and subscribed before me the 23d day of January, A. D. 1873.

E. SMITH,
Probate Judge of Salt Lake County.

EDWARD L. SLOAN sworn:

I am of lawful age; one of the editors and proprietors of the Salt Lake Herald. Some time in February, 1870, a small poster was extensively circulated throughout Salt Lake City, calling a mass-meeting of citizens for the purpose of making nominations for the municipal election, which was to come off a few days later; the poster closing with the words "Come one, come all." The meeting was to be held in what was known as Walker's old store, and is the same referred to by J. M. Orr in his testimony. I attended the meeting as a newspaper reporter. I reached the front door about half an hour before the time appointed for commencing and found it locked. A crowd of people, numbering two or three hundred, rapidly assembled. They were very good-natured, laughing, and chaffing, and making mock nominations. It was whispered around that entrance was being obtained by the rear door, on which I promptly left and made my way to the rear of the building. I found that a number of persons had been admitted, but was unable to get in myself, the door being fastened. I returned to the front entrance, and in a few minutes that door was opened. The crowd by this time probably numbered from five to six hundred, composed indiscriminately of Mormons and Gentiles. In pressing in two or three seats were accidentally overturned, trampled upon, and broken. When the place was filled the people seated themselves as far as there were seats for them, and quietly awaited for an organization. Among those in the hall, when the front door was opened, and seated near the rostrum, were J. M. Orr, J. Silver, E. L. T. Harrison, E. W. Tullidge, E. B. Kelsey, S. Kahn, and a few others whose names I cannot now recall. Mr. Kelsey called the meeting to order, when Col. J. C. Little was nominated for chairman, and the nomination was confirmed by a large majority; a secretary and reporter were also elected, and after some short speeches, the nominations for municipal officers were made. Mr. Kelsey proceeded

to explain that it was an adjourned meeting, but the public seemed inclined to act upon the invitation contained in the poster, which simply called a mass meeting and made no reference to any previous one. The meeting then adjourned *sine die.* It was orderly; more so than such meetings usually are. After I went outside, I learned that another meeting was to be held at the Masonic Hall by those who had been inside the building when the front door was opened. In my capacity as reporter, I went down to Masonic Hall, saw J. M. Orr and some others come down the street, and go up stairs to the hall. I saw no disturbance there; heard no angry words; and do not think anything of the kind could have occurred without my being aware of it. After waiting some time I left, having ascertained that they had decided to hold no meeting. The parties who proposed to hold the second meeting bolted the first, because a large majority of those present sustained other candidates than their partisans. They subsequently put a new ticket in the field which received a few hundred votes. I attended the election for which these nominations were made, and visited the polls several times during the day; it was fairly conducted so far as I could see, peaceable and orderly. The right of challenge freely exercised. The only unpleasantness I noticed was in consequence of two or three individuals, Gen. George R. Maxwell being prominent among them, who had drank too liberally, behaving in a somewhat noisy and offensive manner.

E. L. SLOAN.

Sworn to and subscribed before me this 23d day of January, A. D. 1873.

E. SMITH,
Probate Judge of Salt Lake County.

BRIGHAM Y. HAMPTON sworn:

I am thirty-six years of age; constable and policeman of Salt Lake City. I attended the meeting referred to in the testimony of J. M. Orr, held in Walker's old store in February, 1870, as an officer, having previously seen the invitation, "Come one, come all," and supposing there would be a crowd there, I was there some little time previous to the hour of opening; people assembled were jocular and full of sport. While there there was a rumor that there was a crowd making entrance at the rear of the building. I went there; found some fifteen or twenty persons at a door and some passing in. As soon as I arrived the door was closed. I staid there some time, until quite a crowd assembled, passing from the front to the rear. I passed back and forth two or three times previous to the front door being opened. At the opening of the front doors there was quite a rush to get seats, as there were more outside than could be accommodated. I went in with the crowd. When the door was opened there were George R. Maxwell and some others inside sitting near the stand. Eli B. Kelsey called the meeting to order, and J. C. Little was nominated chairman. Nominations were made for mayor and other city officers, and carried by a large majority. The meeting was as quiet and orderly as any of the kind. The only disturbance I saw was in the rear when I first went back; Jo. Silver and James Camp were using abusive language to the people when they came round to the rear. I saw no clubs, nor revolvers, nor knives. The meeting quietly adjourned after the nominations were made. There were certain parties who were dissatisfied and bolted the ticket, putting another ticket into the field, which received a few votes on the day of election. I attended the election for which these nominations were

made; it was conducted peaceably, quietly, and fairly; each party was allowed the right to challenge, and to advocate the claims of their respective candidates. I saw no disturbance with the exception that George R. Maxwell and J. M. Orr, and some others of their friends, were a little tipsy and somewhat boisterous.

I was present at the meeting held in front of the Salt Lake House on the Saturday previous to the last August election, the same being the meeting referred to in the testimony of Granville E. Jones and Wickizer. The stand erected for this meeting was immediately in front of the Salt Lake House, in the most business portion and most frequented part of the city. There was quite a crowd assembled, composed miscellaneously of Mormons and Gentiles. A. S. Gould was nominated as chairman, and on taking his position as chairman of the meeting he made some very obnoxious remarks in relation to some of our prominent citizens, both Gentiles and Mormons. There was portion of the crowd cheered, and portion of the crowd hissed, on account of these opprobrious remarks. One McLeod then addressed the meeting in very much the same strain, and the crowd in front of the stand refused to listen to him. The meeting was afterwards adjourned to the Godbeite or Apostate Mormon building, and the crowd dispersed, some few of them attending this meeting. I saw Johnson and other friends of Maxwell and Orr have pistols and try to draw them, but the crowd jeered them.

BRIGHAM Y. HAMPTON.

Sworn to and subscribed before me this 23d day of January, 1873.

E. SMITH,
Probate Judge of Salt Lake County.

JOSEPH WOODMANSEE sworn:

I am forty-six years of age; merchant; have resided in Salt Lake City several years.

By Mr. MANN:

Question. State if you have heard the testimony of J. C. Little, E. L. Sloan, and Brigham Y. Hampton read, and if you were present at the meeting referred to by them.—Answer. I have heard the testimony read and was at the several meetings referred to by them, and the city election referred to. Their testimony in relation to them is substantially correct. The Walker building is within a few steps of my store, and I observed the people gathering and went myself to attend the meeting.

JOSEPH WOODMANSEE.

Sworn to and subscribed before me this 23d day of January, 1873.

E. SMITH.
Probate Judge of Salt Lake County.

WILLIAM CALDER sworn:

I am thirty-seven years of age; merchant; reside in Salt Lake City, and have resided in Salt Lake City for several years, and have heard read the testimony of J. C. Little, E. L. Sloan, and B. Y. Hampton. I saw the notice and attended the meetings and election referred to in their testimony, and their statement in relation to the same is substantially correct. I was at the meeting held in the Liberal Institute and referred to in the testimony of Wickizer and Granville E. Johnson. There were no stones thrown through the windows at said meeting. There was one pane of glass broken by a party inside pushing his elbow

through accidentally. I saw no disturbance at this meeting except that made by the friends of Geo. R. Maxwell, who seemed to be anxious to create a disturbance. I was at this meeting the whole time of the meeting.

W. CALDER.

Sworn to and subscribed before me this 23d day of January, A. D. 1873.

E. SMITH,
Probate Judge of Salt Lake County.

ARTHUR STAYNER sworn:

I am thirty-eight years of age; county clerk and recorder of Davis County. I have examined the records referred to in the evidence of George A. Black, on page 110 of the records in the executive office. There were no erasures made in the requisition referred to, but there appeared to be immediately under it two or three lines under the signature, something which had been written and erased. It appeared that somebody had commenced recording another document on that page, but had changed their mind and commenced on next page, leaving the balance of the page 110 vacant.

ARTHUR STAYNER.

Sworn to and subscribed before me this 23d day of January, A. D. 1873.

E. SMITH,
Probate Judge of Salt Lake County.

JOHN D. T. MCALLISTER sworn:

I am a resident of Salt Lake City, Utah Territory; have resided in this Territory for twenty-one years. I am forty-five years of age, and have been territorial marshal for the past ten years, and city marshal for six years. I was present at the meeting held at Walker's old store in Salt Lake City in February, A. D. 1870, which has been referred to by J. M. Orr in his testimony. The meeting was generally attended, and was understood as a mass-meeting for the purpose of nominating city officers. The call was general to everybody; "Come one, come all," I think was the language of the poster. I attended the meeting for the purpose of maintaining good order, and also to take part in the selection of candidates. When I arrived at the building where the meeting was to be held it was half an hour past the time for which it was advertised, and the front door of the hall was locked. There was quite a crowd in the front of the building. I passed through the crowd and went to the front doors. They were soon opened by some parties in the inside. (The doors were not broken open, as stated in the testimony of J. N. Orr.) I was one of the first persons that went into the hall at the front, and as the crowd came in they accidentally upset some of the benches; they may have been broken, but I do not know. After the people had seated themselves so far as they could, the meeting was called to order by Mr. Kelsey, and J. C. Little was elected chairman. The object of the meeting was then stated as being for the purpose of nominating city officers. Several short speeches were made, after which mayor and other city officers were nominated, and the meeting quietly adjourned. There was no disturbance of any kind at the meeting, and good order and good nature prevailed. I had no arms of any kind myself, and did not see

I was at the meeting in front of the Salt Lake House held imm
ately before the election in August, 1872. I think the meeting was
the 3d of August, 1872, and the election was on the 5th. The meet
was held in the most populous, most frequented, and business portio
the city, and the stand for the speakers was erected in the street. Th
was quite a crowd assembled, composed principally of miners, mo
Gentiles. The meeting was first addressed by A. S. Gould, who c
menced by abusing everybody generally in the most vile and vu
manner, applying the most opprobrious epithets alike to Gentiles
Mormons; some in the crowd commenced to cheer and some to l
Gould continued his abuse until the indignation of the audience
such that they would not listen to him. Afterwards one McCloud
dressed the meeting in the same strain that Gould had done and
crowd would not listen. The meeting was afterwards adjourned. T
was no effort made by any one, to my knowledge, to have any partic
persons or class of persons attend the meeting. It was a general
to ratify the nomination of George R. Maxwell. It was said by
Gentiles that Maxwell was not their choice, and that his nomina
was secured unfairly by a clique. I suppose that this was the re
why he was not sustained generally by the Gentiles at the elec
Maxwell was very unpopular with all classes. I was present at
polls. The election was conducted very peaceably and fairly, but
satisfied from what I saw and heard that Cannon received a larger
ber of Gentile votes than Maxwell did. Many of the Gentiles v
their tickets open and seemed to take pride in showing that they
voting the peoples' ticket, as it was called, and against Maxwell an
ring.

JOHN D. T. McALLISTE

Subscribed and sworn to before me this 23d day of January, A
1873.

E. SMITH.

me. The requisition which I identified filled only the upper portion of the page. Below my signature and below anything connected with this requisition there was a blank space, two or three lines of which bore evidence of having been scraped. I do not know that anything had ever been written on this blank space; nothing was ever written there by me, or by my direction; and nothing was ever erased from that page by me or by any one in my employ. I assert, most positively, that when I vacated the office of secretary the page was unmutilated. The requisition was the only instrument connected with the service of the writs upon Morris and others, recorded by my direction, and when I identified the record it was, I believe, complete and free from mutilation.

Q. From your acquaintance with the Mormon people what would you say of them in relation to their truth and veracity, and what is their reputation for truth among those with whom they are acquainted?—A. I have found them truthful, and their statements upon all subjects trustworthy, and their general reputation among all honest men who do business with them I believe to be excellent. I think no community have a higher reputation for honesty, fair dealing, and a strict fulfillment of all business obligations, than the people of Utah, known as Mormons. This reputation extends to all business circles throughout the country, from San Francisco to Boston.

FRANK FULLER.

Subscribed and sworn to before me this 7th day of February, A. D. 1873.

E. SMITH,
Judge Probate Court, Salt Lake County.

L. S. HILLS recalled.

Question. State what position, if any, you have held in connection with the United States Land-Office?—Answer. From October, 1854, to June, 1855, I was the only clerk in the office of the register of the land-office at Chariton, Iowa. From July, 1855, to May, 1861, I was in the register's office at Council Bluffs, Iowa, first as chief clerk, afterwards register, and in the fall of '68 I was appointed receiver of public moneys at Salt Lake City, and held the office until June, 1869.

Q. What would you say in relation to the truth and veracity of the Mormon people in proving up their pre-emption and homestead claims?—A. From my experience with them I judge them to be fully as conscientious, and their statements entitled to as much weight, in that respect, as any people I have ever known. The general reputation of the Mormon people for truth and veracity is good, and I consider them, in every respect, as reliable as the citizens of any other community.

(Jurat below.) L. S. HILLS.

Adjourned to meet on Tuesday the 11th instant at this place.

Subscribed and sworn to before me this 7th day of February, A. D. 1873.

E. SMITH,
Judge Probate Court, Salt Lake County.

TERRITORY OF UTAH,
County of Salt Lake, ss:

Be it remembered that in pursuance of the statutes of the United States of America, and the notices herewith transmitted, that on the several days herein before stated I caused to come before me, Elias

Smith, judge of the probate court in and for Salt Lake County, Territory of Utah, the several witnesses, whose depositions are hereunto attached, at my office, in the court-house, said Salt Lake City, and the several witnesses being duly sworn by me to testify the truth, the whole truth, and nothing but the truth, in the above entitled-matter, were then and there examined and interrogated by Tilford and Mann, counsel for Delegate-elect George Q. Cannon, and Handy, counsel for the contestant, and that they testified as herein set forth, and that the several depositions, after having been compiled and reduced to writing, were carefully read over to the witnesses, and each witness, after having severally corrected their testimony, severally subscribed and sworn to the same in my presence on the day specified in said depositions.

In witness whereof I hereunto set my hand and cause the seal of said court to be affixed at my office, in Salt Lake City, this —— day of February, A. D. 1873.

[SEAL.] E. SMITH,
Judge of the Probate Court in and for Salt Lake County, Utah.

No. 4.—EXHIBIT NO. 1.—*Requisition of governor of Utah.*

EXECUTIVE DEPARTMENT, UTAH,
G. S. L. City, June 12, 1862.

Gen. DANIEL H. WELLS,
Commanding Militia of Utah Territory:

SIR: A requisition has been made upon me this day by Henry W. Lawrence, esq., territorial marshal for the Territory of Utah, through his deputies, R. T. Burton, esq., and Theodore McKean, esq., for a military force to act as a *posse comitatus* in the service of certain writs issued from the third judicial district court of said Territory for the arrest of Joseph Morris and others residing in the northern part of Davis County, in said district. It appears that said Joseph Morris and his associates have organized themselves into an armed force to resist the execution of said writs, and are setting at utter defiance the law and its officers.

I, therefore, require you to furnish the said Henry W. Lawrence, esq., or his deputies aforesaid, a sufficient military force for the arrest of the offenders, the vindication of justice, and the enforcement of the law.

FRANK FULLER,
Acting Governor, Utah.

I, George A. Black, secretary of the Territory of Utah, do hereby certify that the aforesaid is a true and correct copy of the original requisition of Frank Fuller, acting governor of Utah Territory, as found recorded on page 110, Executive Book, Utah, and copied therefrom this 17th day of January, A. D. 1873.

Witness my hand and the great seal of the Territory of Utah this 17th day of January, A. D. 1872.

[SEAL.] GEORGE A. BLACK,
Secretary of Utah Territory.

EXECUTIVE DEPARTMENT,
G. S. L. City, June 12, 1862.

Gen. DANIEL H. WELLS,
Commanding Militia of Utah Territory:

SIR: A requisition has been made upon me this day by Henry W. Lawrence, esq., territorial marshal for the Territory of Utah, through his deputies, R. T. Burton, esq., and Theodore McKean, esq., for a military force to act as a *posse comitatus* in the service of certain writs issued from the third judicial district court of said Territory for the arrest of Joseph Morris and others residing in the northern part of Davis County, in said district. It appears that said Joseph Morris and his associates have organized themselves into an armed force to resist the execution of said writs, and are setting at utter defiance the law and its officers.

I, therefore, require you to furnish the said Henry W. Lawrence, esq., or his deputies aforesaid, a sufficient military force for the arrest of the offenders, the vindication of justice, and the enforcement of the law.

FRANK FULLER,
Act'g Governor, Utah.

I, George A. Black, secretary of the Territory of Utah, do hereby certify that the foregoing is a true, correct copy of the original, and as near a *fac simile* as could be made so far as the erasure is concerned.

Witness my hand and the great seal of the Territory of Utah, this eighth day of February, A. D. 1873.

[SEAL.] GEORGE A. BLACK,
Secretary of Utah Territory.

No. 5.—EXHIBIT No. 2.—*Poll-list of first precinct of Salt Lake City.*

1 David Candland.
2 Andrew T. Case.
3 Alexander Steele.
4 James Ellis.
5 Wm. A. Neymayer.
6 Jane E. James.
7 Jno. F. Oblade.
8 E. M. Weiler.
9 Jno. Fawkes.
10 Jens Jensen.
11 Adela Jensen.
12 Wm. Hart.
13 James H. Johnson.
14 Frederic Peterson.
15 S. M. Baxter.
16 Wm. J. Howell.
17 Stephen W. Alley.
18 Frances Bolto.
19 Isaac Pearce.
20 Burr Frost.
21 Wm. Barnes.
22 Wm. Harrison.
23 Wm. P. Cowan.
24 Wm. McGregor.
25 Thomas Maycock.
26 Katrina Petersen.
27 Stephen Tucker.
28 Wm. Duffin.
29 Dorotha Duffin.
30 Wm. Barcumshaw.
31 Sarah Iverson.
32 Reuben Fuller.
33 Daniel Corbett.
34 L. H. Bradford.
35 Byron Groo.
36 G. Gillett.
37 Joseph McKay.
38 Jane McKay.
39 Wogen Jacobson.
40 Jonathan Earl.
41 Lucy Neymayer.
42 G. G. R. Sangiovanui.
43 Jno. Watson.
44 Barbara Watson.
45 Wm. H. Pickett.
46 Elizabeth Pickett.
47 Thomas Gerrard.
48 Wm. Ashman.

49 Rasmus Borggvist.
50 Jno. Ness.
51 Edward Wilson.
52 Wm. C. Graham.
53 Thos. Mulleneau.
54 Wm. Wagstaff.
55 Geo. W. Crocheson.
56 Jno. Wagstaff.
57 Sarah Wagstaff.
58 Geo. H. Alley.
59 Joseph S. Chapman.
60 N. J. Sorrensen.
61 Katrina Sorrensen.
62 Hymen W. Mikesell.
63 Sarah Mikesell.
64 Jno. Gray.
65 C. N. Gillett.
66 Wm. Strong.
67 Joseph Warburton.
68 James Shelmerdine.
69 Paul Harrison.
70 Martha J. Harrison.
71 Mary A Ricketts.
72 Samuel Petersen.
73 Karan Petersen.
74 Mary Maire.
75 Agnes L. Scroggin.
76 James Leach.
77 James Woods.
78 Joseph Buckley.
79 L. P. Lyon.
80 Hester Mudd.
81 B. F. Thornbank.
82 Annie Thornbank.
83 Edward Blair.
84 Wm. R. Furster.
85 R. W. McAllister.
86 Susan Ellis.
87 Martha Ensign.
88 Jno. Reese.
89 Wm. W. Riter.
90 James Philips.
91 Jno. Porter.
92 Samuel Ensign.
93 Ruth Ensign.
94 Alice L. Philips.
95 Lavinia Triplett.
96 Hannah Petersen.
97 Hannah Jensen.
98 S. H. B. Smith.
99 May C. Smith.
100 Mary A. Callahan.
101 Isaac Laney.
102 Thos. Speirs.
103 Mary Sorrensen.
104 Sarah Hayes.
105 Peter Sorrensen.
106 Evelyn A. Hicks.
107 Edward Hicks.
108 Joseph Ketchum.
109 Wm. Grimsdell.
110 Wm. Wilson.
111 Geo. W. Groo.
112 Wm. Shires.
113 Jno. Y. Smith.
114 Frances Smith.
115 Mary Smith.
116 James Toms.
117 Elizabeth Toms.
118 Rose Thorpe.
119 Isaac Birkenhead.
120 Haus Larsen.
121 Jno. G. B. Haynes.
122 James Shanks.
123 Isabella Shanks.
124 Zella Bircumshaw.
125 Hannah Petersen.
126 Maggie Annie Petersen.
127 Caroline Frost.
128 Martin Wardell.
129 Wm. Calton.
130 Jno. Dewey.
131 D. G. Bryant.
132 David Ray.
133 Wm. H. Whitehill.
134 J. D. Pickering.
135 Samuel A. Wooley.
136 W. T. Fletcher.
137 Sarah A. Phillips.
138 J. D. M. Crockwell.
139 D. A. Crockwell.
140 Jno. Needham.
141 Sarah Needham.
142 M. Elizabeth Mitchell.
143 F. D. Benedict.
144 Jno. A. Workman.
145 Adelia Workman.
146 Neils Jensen.
147 Elizabeth Graham.
148 S. W. Browne.
149 J. M. Benedict.
150 Isaac Groo.
151 Royal Barney.
152 Sarah B. Barney.
153 Caroline P. Woolley.
154 Mary Morris.
155 Anne O. Kay.
156 Sarah O. Kay.
157 Harriet Lunn.
158 Henry Worthing.
159 Eliza T. Howell.
160 Catharine Rich.

161 Charlotte Fawcett.
162 Wm. Duncan.
163 Mary Duncan.
164 S. A. Walker.
165 C. A. Broadbank.
166 M. A. Leaver.
167 May S. Leaver.
168 Isaac Broadbank.
169 Emeline Benedict.
170 James Malin.
171 Jno. B. Hawkins.
172 F. K. Benedict.
173 Eliza A. Tucker.
174 Anne McGregor.
175 May Leach.
176 Peter Evans.
177 Anne Evans.
178 Robert Carter.
179 Anne Carter.
180 M. A. Cutler.
181 Anne Terry.
182 Lucy Gregory.
183 Mary Hart.
184 Fanny Steele.
185 Margaret Steele.
186 S. H. Putnam.
187 Miflin Palmer.
188 Peter St. Clair.
189 Jeanette St. Clair.
190 Mary Jane Miller.
191 Margaret Smith.
192 Agnes Bolton.
193 Jno. Ricketts.
194 Louisa Miller.
195 Martha Fisher.
196 Nancy Caldwell.
197 Elizabeth Dawley.
198 Martha McMurrin.
199 S. E. Benedict.
200 Edwin Mills.
201 E. N. Milford.
202 Sylvester Hicks.
203 A. C. Gillett.
204 Amanda Wilcox.
205 E. J. Golightly.
206 May Golightly.
207 C. M. Robertson.
208 Jno. W. Snell.
209 Elizabeth Snell.
210 Emma Dusett.
211 Eliza E. Frost.
212 Margaret McMurrin.
213 May Brathwaite.
214 Elizabeth Brathwaite.
215 May Brathwaite.
216 Catharine Palmer.
217 Hannah M. Browne.
218 May Birchell.
219 Hannah Harrison.
220 Jeanette Harrison.
221 Howard O. Spencer.
222 Jno. Booth.
223 Elizabeth J. Barney.
224 Riego Hawkins.
225 Maria L. Dewey.
226 Sarah C. Gillett.
227 Alfred A. Brion.
228 S. S. Phippin.
229 Frank W. Brien.
230 Allice Ball.
231 Ed. Butterfield.
232 Jno. Church.
233 Hannah B. Bale.
234 Harriet Coombs.
235 Dan Weigland.
236 Annie Weigland.
237 Jno. S. Tibbitts.
238 Mary Cowan.
239 Jane Cowan.
240 George E. Hill.
241 Ellen Holden.
242 Henry Lovesay.
243 Emma Lovesay.
244 Eliza Lovesay.
245 Benjamin Cleaver.
246 M. J. Snedaker.
247 Hannah Borggoist.
248 Annie Quinn.
249 David Campbell.
250 Jane Campbell.
251 Catharine Williams.
252 Amelia Davis.
253 Mary Jane Chapman.
254 Harriet F. Woods.
255 Charlotte Woods.
256 Sarah Brown.
257 Sarah Hawkins.
258 Maria Holt.
259 Martha Morris.
260 Lucy Pixton.
261 Isabella Duncan.
262 Eliza Baddley.
263 George Baddley.
264 Nancy L. Kennedy.
265 Hugh McKinnon.
266 Jane McKinnon.
267 Thos. King.
268 Eliza King.
269 Sarah Carter.
270 Elizabeth Chamberlain.
271 Elizabeth Powell.
272 Stephen Hunter.

273 Fanny Hunter.
274 Wm. B. Furster.
275 Henry Sadler.
276 Caroline Sadler.
277 James Tibbetts.
278 Melvin Wilbur.
279 James Ashman.
280 Walter Mansfield.
281 Lavina Pendleton.
282 Anna Bradford.
283 Samuel Chambers.
284 Mary Chambers.
285 Nedley Groane.
286 John Cederlof.
287 Mary Cederlof.
288 Bur. Frost, jr.
289 Ann Smith.
290 Adam Reich.
291 J. W. Lawrence.
292 S. Kahn.
293 William Showel.
294 G. W. Taylor.
295 Maria L. Dewey.
296 George W. Quin.
297 Eliza Angell.
298 Jacob Weiler.
299 Rodney Hillam.
300 Jno. Horter.
301 Elizabeth Horter.
302 J. N. Neymoyer.
303 Wm. Phillips.
304 F. A. Wooley.
305 Jane Wilbur.
306 Guy M. Keyzer.
307 Mrs. A. D. Paddock.
308 Mrs. H. W. Lawrence.
309 Wm. S. Adamson.
310 A. D. Paddock.
311 Sidney Hudson.
312 Wm. Griffin.
313 Sarah Griffin.
314 Elizabeth Webb.
315 Elmira Webb.
316 Augusta Crocheron.
317 Andrus Audersen.
318 Wm. Park.
319 Mary Park.
320 F. T. Whitney.
321 Harriet Whitney.
322 Amanda Pearce.
323 J. W. Pearce.
324 Mary J. Pearce.
325 Sylvester James.
326 Mary James.
327 Barbara Holt.
328 Robert Holt.
329 Nathaniel Speirs.
330 Minnie A. Cook.
331 Sarah Wheeler.
332 J. M. Berkeley.
333 Mary Ann Grunsdell.
334 Hadley D. Johnson.
335 Parry E. Dewey.
336 May Church.
337 E. A. Tysum.
338 Mrs. J. B. Kimball.
339 Mrs. S. Kahn.
340 Wm. Lynch.
341 Jno. G. Crocker.
342 H. Wallace.
343 E. Wallace.
344 R. J. White.
345 Peter Hansen.
346 Jno. Zimmerman.
347 Elizabeth Weiler.
348 Jno. Cartwright.
349 Anne Cartwright.
350 Martha Murphy.
351 Frank Carter.
352 A. H. Kirk.
353 Joseph McMurrin.
354 Catharine D. Putnam.
355 Margaret Wade.
356 Margaret Rodgers.
357 Eliza Careless.
358 Sarah Mitchell.
359 Hezekiah Mitchell.
360 Ellen Jensen.
361 Wm. Bates.
362 Emma Fawkes.
363 Christina Jensen.
364 Jane Smith.
365 Elizabeth Gregory.
366 Anne Gregory.
367 Julia Golightly.
368 Anne Gerrard.
369 Sarah Crane.
370 Sarah Crosby.
371 Elizabeth Sherman.
372 Nancy Bircumshave.
373 G. P. Lockwood.
374 Elizabeth Booth.
375 Jno. D. T. McAllister.
376 Angeline McAllister.
377 C. E. Woolley.
378 George Snow.
379 G. A. Meyers.
380 Elizabeth Wesley.
381 Robert Wawson.
382 James Dudnam.
383 Sarah Dudnam.
384 Elizabeth Procter.

385 Mary Ann Ashman.
386 Caleb Wright.
387 Henry W. Despaur.
388 Robert Provost.
389 Mary Morris.
390 Richard Harwood.
391 Sarah Woods.
392 J. E. S. Russell.
393 Mrs. C. F. Palmer.
394 Mrs. Orson Miles.
395 Mrs. Hewlings.
396 Mrs. Earl.
397 Louisa C. Spencer.
398 Wm. Hinds.
399 Mary Hinds.
400 Wm. Glasgow.
401 Mrs. Cross.
402 Mrs. Betsy Culbertson.
403 Ellen G. Hade.
404 Wm. Hade.
405 T. P. Olsen.
406 James Eardly.
407 Eunice Haynes.
408 Travia G. Eardley.
409 Martha Eardley.
410 Godley Ence.
411 Wm. Furster.
412 Caroline Pettigrew.
413 Johanna Rich.
414 Jno. Procter.
415 Annie King.
416 Wm. Smith.
417 David Walker.
418 Mary Ann Walker.
419 E. J. Taft.
420 Benjamin B. Beer.
421 Edwin Furster.
422 Eleanor Larsen.
423 Jas. W. Richards.
424 Frederick Hodder.
425 John Forbes.
426 Daniel Doyle.
427 James P. Keat.
428 Alonzo H. Le Barron.
429 Fanny Ashman.
430 Mary Ann Loyd.
431 Jno. P. Loyd.
432 C. P. Carlsen.
433 Elijah F. Sheets.
434 Michael Holden.
435 Mary Oblade.
436 Jane Richard.
437 Elizabeth Leat.
438 Joseph F. Lincoln.
439 A. L. Smith.
440 Elizabeth Cheslure.
441 Elmira Gillett.
442 Ruth Keyzer.
443 Anne D. Richards.
444 Lucy Muir.
445 Sussannah Homan.
446 Catharine Hughes.
447 Harriet Busby.
448 Alice Strong.
449 Elizabeth Crabtree.
450 May Strong.
451 Elizabeth Birkinhead.
452 Phebe Ball.
453 Ellen J. Case.
454 Jno. P. Ball.
455 Soren Jeansen.
456 Hannah Gordon.
457 Thos. Callahan.
458 James Knight.
459 Maria Corbett.
460 S. E. Allen.
461 Mary Snyder.
462 Elizabeth Thayer.
463 Jorgen Sorrensen.
464 Anne Sorrensen.
465 O. P. Miles.
466 Alexander Hendersen.
467 Hannah Hendersen.
468 Wm. Lovett.
469 Elizabeth Lovett.
470 May E. Witt.
471 Sarah Kennedy.
472 Eliza J. Ball.
473 Wm. L. Ball.
474 S. A. Chase.
475 Sarah Hoby.
476 Eliza Dilworth.
477 Levi E. Riter.
478 Ellen Pearson.
479 D. W. Beech.
480 Sarah E. Smith.
481 Mary Hill.
482 Martha Smith.
483 Miriam G. Chase.
484 Mariam C. Hawkins.
485 Jeanette Moffatt.
486 Hannah C. Blair.
487 M. A. Case.
488 Ann Deming.
489 Creighton H. Hawkin.
490 Elizabeth Sheets.
491 Josephine Escott.
492 N. M. Sheets.
493 W. B. Whitehill.
494 Harriet Strong.
495 Elizabeth Strong.
496 Mary Jane Jordan.

497 Wm. Legg.
498 Sarah Taylor.
499 Louis W. Smith.
500 Elizabeth A. Chase.
501 Christian Swaner.
502 Jacob Hensser.
503 Jno. R. Deshazo.
504 C. C. Perkins.
505 E. H. Morton.
506 Jno. Wayman.
507 Jno. Busby.
508 Geo. Coombs.
509 Andrew Busby.
510 Leah Paul.
511 Jeanette Lawson.
512 Emily P. Weiler.
513 Gustava Leach.
514 Adam Speirs.
515 James Woods.
516 H. W. Lawrence.
517 Wm. Coult.
518 Mary Coult.
519 Sarah Mikesel.

No. 6.—EXHIBIT No. 3.—*Poll-list of second precinct of Salt Lake Ci*

1 R. M. Hoagland.
2 T. Pierpont.
3 Geo. O. Smith.
4 Albert Smith.
5 W. L. Binder.
6 L. Suhrke.
7 J. B. Elder.
8 R. Robinson.
9 Clay Hensley.
10 John Twiggs.
11 Martha Twiggs.
12 Wm. Thorne.
13 Jno. P. Smith.
14 Ann Whitehead.
15 J. T. Snarr.
16 James Allbina.
17 Ann Allbina.
18 Jno. M. Cowley.
19 R. T. Burton.
20 H. Sperry.
21 Wm. Stocking.
22 Christian Snyder.
23 F. Cook, sen.
24 Michel Stockdale, jr.
25 A. F. Elggren.
26 E. Rushton.
27 M. A. Rushton.
28 Oliver Bess.
29 Wm. Hickenlooper.
30 Wm. Buttle.
31 Charles South.
32 E. U. Elsworth.
33 Geo. D. Marsh.
34 H. C. Morris.
35 Elizabeth Elder.
36 Margaret Lewellyn.
37 B. Sands.
38 James Palmer.
39 R. S. Watson.
40 P. Richards.
41 Geo. A. Lincoln.
42 D. J. McIntosh.
43 Mrs. D. J. McIntosh.
44 Henry Linnell, jr.
45 Jas. A. Staples.
46 Annie Quail.
47 John Quail.
48 Thos. H. Nixon.
49 Ann Nixon.
50 James Poulton.
51 S. H. Hills.
52 Mattie Hills.
53 Edwin Petitt.
54 Franklin Turnbow.
55 Geo. Chatfield.
56 M. Lenzi.
57 C. L. Walker.
58 Jas. R. Hall.
59 B. Rowland.
60 Heleanor E. Page.
61 Alex. M. Leddingham.
62 Richard Britton.
63 Janet Swann.
64 B. A. McLuffly.
65 Samuel Turnbow.
66 S. A. Turnbow.
67 Henrietta Pratt.
68 L. Russell.
69 Andrew Cowan.
70 Jos. S. Cowan.
71 Michel Stockdale, sen.
72 Jos. Fielding, jun'r.
73 John South.
74 Wm. J. Lloyd.
75 Richard Brimley.
76 M. A. Wright.

77 A. R. Wright.
78 Joseph Symons.
79 Sarah Symons.
80 Jane Stokes.
81 Rebecca Self.
82 Mary A. Lenzi.
83 Kleber Worley.
84 A. E. Worley.
85 Wm. Edwards.
86 John Doolittle.
87 R. A. Doolittle.
88 John Gabbott.
89 M. Gabbott.
90 Jas. M. Barlow.
91 Charles Holt.
92 Susan Barlow.
93 Electa Barlow.
94 John Croff.
95 Ella Lebarron.
96 Rosalia Salisbury.
97 L. A. Johnson.
98 Ann Babbitt.
99 Thos. Howels.
100 Joseph Morgan.
101 M. A. Edmonds.
102 J. H. Hall.
103 Hugh Watson.
104 C. H. Wright.
105 Samuel Evans.
106 Frank Townsend.
107 Emma Williams.
108 Elizabeth Williams.
109 Charles Binnell.
110 Jonathan Pugmire.
111 Elizabeth Pugmire.
112 T. C. Griggs.
113 J. S. Griggs.
114 Charlotte Griggs.
115 H. J. Worthington.
116 S. G. Sewell.
117 L. Granger.
118 Alex. Burt.
119 Jno. R. Moyl.
120 D. Dunyon.
121 Elizabeth Moyle.
122 Phillippa Moyle.
123 R. J. Sneddan.
124 David Blackhurst.
125 P. D. Reynoldson.
126 James Crawther.
127 Charles Morris.
128 Willford Woodruff.
129 Charlotte Morcroft.
130 Mrs. V. Woodruff.
131 S. B. Foss.
132 Emily Foss.
133 J. Woodberry.
134 Charlotte S. Woodberry.
135 Elizabeth Fox.
136 Emily A. Fordam.
137 Henry Fox.
138 Wm. James.
139 C. W. Hyde.
140 Geo. A. Kelly.
141 Charles Crismon, sen.
142 L. W. Richards.
143 Elizabeth Duncon.
144 Ann Dunconson.
145 M. R. Morrison.
146 M. S. Morrison.
147 Helen Williams.
148 Margaret Gillespy.
149 P. M. Gillespy.
150 Mary Staples.
151 Ann Collister.
152 Edward Collister.
153 C. M. Anderson.
154 John Priestley.
155 James Kept.
156 M. Grenig.
157 J. K. Baldwin.
158 S. Jacobson.
159 Elizabeth Davis.
160 James Bussoll.
161 Louise Bussoll.
162 Wm. B. Wilkinson.
163 J. S. Fullmer.
164 E. B. Fullmer.
165 G. W. Price.
166 Owen Roberts.
167 Joseph Workman.
168 Mary Crismon.
169 Sarah Serrin.
170 John Thompson.
171 Jane Thompson.
172 M. A. Newman.
173 S. A. Reid.
174 Desdemona F. Smith.
175 Jane Turpin.
176 Clarasa Dusette.
177 Wilford Luse.
178 Jos. W. Johnson.
179 Elizabeth Johnson.
180 James Dunville.
181 Robert Shelton.
182 J. B. Crossgrove.
183 R. Petitt.
184 S. E. Russell.
185 D. Bockholt.
186 Henry Dinwoody.
187 Elizabeth Olsen.
188 Helen Olsen.

189 Thomas Fisher.
190 Shure Olsen.
191 E. A. Morris.
192 Annie Duffin.
193 David McKenzie.
194 M. A. Fielding.
195 L. C. Brown.
196 Catharine Riser.
197 Elizabeth Linnell.
198 E. H. D. Solomon.
199 Wm. H. Solomon.
200 E. E. Brown.
201 John Edwards.
202 Charlotte Edwards.
203 Alice Edwards.
204 Sarah M. Kimball.
205 Ann Brown.
206 Emeline Granger.
207 Joseph Brown.
208 Edward Parry.
209 James Fielding.
210 Charles Rich.
211 David Fullmer.
212 Albert Brown.
213 J. W. Fox.
214 Thos. E. Gange.
215 Elizabeth Gange.
216 J. B. Kelly.
217 Sabra Eldredge.
218 C. E. Barnum.
219 Mary Dikeman.
220 Ephraim McMillan.
221 Laura Bess.
222 M. A. Bess.
223 James Moyle.
224 James Bess.
225 James Hague.
226 Wm. L. Foster.
227 John Reed.
228 G. C. Lambert.
229 J. L. Dunyon.
230 E. T. Blythe.
231 John Page.
232 John Haven.
233 Evan Evans.
234 Ann Chadd.
235 Morintha Holls.
236 Anna Right.
237 Hannah Jiles.
238 Roderic Davis.
239 Mary Thomas.
240 Elizabeth Davis.
241 Elizabeth Price.
242 John Phom.
243 Jane Phom.
244 Theodore Curtis.
245 Ann Howels.
246 Agnes Gilespie.
247 Lydia Pollard.
248 John S. Roberts.
249 M. M. Charles.
250 Mary Roberts.
251 Ann Parry.
252 Rebecca Hardman.
253 Rachel Evans.
254 J. S. Lewis.
255 Elizabeth Lewis.
256 S. Price.
257 Thomas Thomas.
258 John Thomas.
259 Daniel Grenig.
260 M. A. Moyle.
261 Morth Friek.
262 Eliza Jenkins.
263 Helen Brown.
264 Anjely Peort.
265 Hannah Dudley.
266 Christina Rockwell.
267 G. D. Pratt.
268 L. W. Dickson.
269 Robert Dickson.
270 Thomas McLelland.
271 O. P. Rockwell.
272 L. M. Reese.
273 C. H. Bassett.
274 John Butterworth.
275 J. B. Almond.
276 S. M. Blair.
277 Willmith East.
278 Lexana Blair.
279 Jesse West.
280 Isabella West.
281 Jane Winter.
282 E. S. Evans.
283 Thomas Winter.
284 C. C. Armusson.
285 Ann Armusson.
286 Charles Lambert.
287 Mary Lambert.
288 Geo. Thatcher.
289 Luny Thatcher.
290 Patience Nash.
291 Geo. Mosle.
292 James H. Mason.
293 Jane S. Gobbot.
294 Cecillia Hyde.
295 Josephine Smith.
296 Susannah Riser.
297 Susannah Snyder.
298 George Borton.
299 E. T. Mumford.
300 Bula Beatie.

301 Sarah D. Woodruff.
302 Emma Day.
303 Naomi Day.
304 Maggie Moyle.
305 Mary McMillan.
306 Janet Huyer.
307 Amelia Hawkins.
308 H. H. Morris.
309 C. Attley.
310 Emma Bolser.
311 Nancy Morris.
312 Alice Needham.
313 Wm. R. Jones.
314 S. A. Jones.
315 Mary Thomas.
316 Benson Eardley.
317 Louise Eardley.
318 Jane Powel.
319 A. J. Evans.
320 Elizabeth Thurwood.
321 Christina Thompson.
322 Thomas Fenton.
323 Annie Brown.
324 Joseph Marian.
325 H. G. Brook.
326 Alma Pratt.
327 Elizabeth Babbit.
328 E. W. Bostwick.
329 Ann Farrar.
330 Wm. Yates.
331 Henry Lewis.
332 Joseph Horne.
333 H. Lowrey.
334 Elizabeth Lowrey.
335 Wm. Ervin.
336 Elizabeth Cowley.
337 Maria Furcloth.
338 Elizabeth Chugg.
339 Thomas Judd.
340 Teressa Judd.
341 Sarah Petitt.
342 Clara Conrad.
343 Evaline Irvings.
344 Michel Chadd.
345 Wm. Speed.
346 B. Fabian.
347 J. W. Griffiss.
348 Henry Morman.
349 A. Miner.
350 Mary Watson.
351 Amos Fielding.
352 Jane Fielding.
353 Sarah Fielding.
354 Ann Brimley.
355 R. A. Fulmer.
356 S. J. Fulmer.
357 Lucy Fulmer.
358 Elizabeth Burton.
359 Agnes Burt.
360 Harriet Watson.
361 Mary Burt.
362 Matilda Burt.
363 Sarah Donar.
364 Margaret Vorker.
365 Agnes Reid.
366 Edwin Rushton, sen.
367 Elizabeth Buttle.
368 Ira Hayden.
369 M. A. Pollard.
370 H. B. Skidmore.
371 S. J. Spencer.
372 S. G. Spencer.
373 Catharine Knox.
374 L. Haven.
375 Elizabeth Haven.
376 E. T. Petitt.
377 M. L. Morris.
378 S. A. Pratt.
379 E. S. Kelly.
380 M. A. Woods.
381 Thomas Hobert.
382 M. L. Luce.
383 Margaret Hill.
384 Caroline Hill.
385 H. Armer.
386 Philip Rosenheim.
387 P. Fontaine.
388 Thomas Bullock.
389 Helen Parks.
390 Emma Fenton.
391 Lorenzo Price.
392 Jane Kinghorn.
393 Eliza Evans.
394 Jane Parks.
395 Anna Pitts.
396 Alice Butterworth.
397 Margaret Shelton.
398 Caroline Shelton.
399 S. E. Cooks.
400 G. M. Pierce.
401 Elizabeth Bird.
402 Patience Lowrey.
403 Sidna Lowrey.
404 Agnes Campbell.
405 Christina Brown.
406 Ann Thomas.
407 Sarah Speed.
408 Sarah Hague.
409 Catharine Rigby.
410 B. A. Rigby.
411 T. Mumford.
412 Sophia Taylor.

413 Jno. W. Short.
414 Jno. Hughes.
415 Sarah Hughes.
416 Ann Trehorn.
417 Jane Ashton.
418 L. J. Holmes.
419 Wm. McLachlon.
420 Joseph Woodmansee.
421 N. Bockosshy.
422 B. G. Raybould.
423 S. S. Walker.
424 Jno. Chislet.
425 R. Walker.
426 Joseph Williams.
427 Maria Burton.
428 S. E. Burton.
429 John Daviss.
430 Wm. T. Richmond.
431 John Latz.
432 W. T. Mathews.
433 Mary Crowther.
434 Maria Varley.
435 E. Binder.
436 A. Binder.
437 E. M. Murdock.
438 August Cannon.
439 Mary Gilespa.
440 C. B. Weston.
441 John Boyd.
442 Joseph Burton.
443 Samuel Varney.
444 M. H. Walker.
445 S. J. Lees.
446 Geo. Bruesh.
447 J. W. Morehouse.
448 W. R. Kerthley.
449 E. H. Field.
450 G. G. Bywater.
451 W. K. Parker.
452 F. Salisbury.
453 Sarah Salisbury.
454 Naomi Pierpont.
455 M. Riser.
456 S. V. Salisbury.
457 John Taylor.
458 Sophia Taylor.
459 Jane B. Taylor.
460 John Alford.
461 Helen Knight.
462 E. B. Britton.
463 Lydia Blasard.
464 Amelia Adams.
465 Wm. Adams.
466 Elizabeth Folsom.
467 Wm. B. Folsom.
468 F. W. Rose.
469 Mary Johnson.
470 J. H. Smith.
471 Helen Smith.
472 Rodney Badger.
473 Hiram Young.
474 Lavinia Morris.
475 Lettia Williams.
476 Mary McKenzie.
477 Annie Robins.
478 R. S. May.
479 Elizabeth Smith.
480 L. A. Woods.
481 J. C. Watson.
482 Margaret Burt.
483 Wm. Gibbon.
484 J. D. Cutting.
485 Wm. Treharne.
486 T. J. Williams.
487 Sarah Morris.
488 Mary Woods.
489 Alice Raybould.
490 A. A. Cummings.
491 Mary Nowlin.
492 Benjamin Majors.
493 Chester Andrews.
494 J. B. McKean.
495 Elizabeth Rowland.
496 Geo. Shepherd.
497 Jos. S. Vance.
498 I. Y. Vance.
499 Annie Vance.
500 Elizabeth Clifton.
501 Etna Ewing.
502 Thomas Milner.
503 Thomas Jones.
504 John Norwood.
505 James W. Burbage.
506 James Anderson.
507 James Burt.
508 Geo. H. Taylor.
509 E. S. Taylor.
510 M. A. Cook.
511 Wm. Anderson.
512 Jane Anderson.
513 Isaac Wright.
514 Frank Pierce.
515 George Ebel.
516 Mary Taylor.
517 Thos. J. Lewis.
518 Elias Morris.
519 Mary Morris.
520 Wm. Turner.
521 W. G. McBride.
522 Samuel Thomas.
523 R. R. Hopkins.
524 Joseph Buxton.

525 Solon Richardson.
526 George Bundy.
527 Thomas Heth.
528 John Cumington.
529 John Shay.
530 W. V. Morris.
531 A. McGill.
532 M. A. Dale.
533 Wm. C. Morris.
534 Edward Ashton.
535 Henry Graves.
536 Charles King.
537 L. J. Whitney.
538 C. K. Gilchrist.
539 F. W. Wisworth.
540 Robert Paxton.
541 Ann Hailstone.
542 A. S. Johnson.
543 Thomas Winters.
544 Jonah Croxall.
545 Eliza Croxall.
546 John Swenson.
547 Anna Swenson.
548 H. O. Fulmer.
549 David Fulmer, jr.
550 H. G. Wright.
551 Rachel Bolles.
552 Alexander Kinghorn.
553 Edward Tullidge.
554 H. R. Marks.
555 M. I. Horne.
556 Ann Cluley.
557 Joseph Gordon.
558 John Clinton.
559 J. T. Blancher.
560 John Clark.
561 Cooper.
562 Thomas Cannle.
563 J. J. Johnston.
564 Jno. H. Evans.
565 Ann H. Evans.
566 Sarah Jones.
567 Ann Wixen.
568 Albert Best.
569 Geo. Shell.
570 J. W. Kerr.
571 Elizabeth Clark.
572 Anna Evans.
573 Mary Evans.
574 H. N. Burton.
575 Clora Young.
576 Charles M. Evans.
577 N. V. Jones.
578 Harry Weist.
579 August Putlidge.
580 S. S. Holmer.
581 W. O. Smith.
582 A. McIntyre.
583 S. C. Hickenlooper.
584 Anna Hickenlooper.
585 Seth Rigby.
586 H. B. Murray.
587 Eliza Jenkins.
588 Sarah Sageman.
589 F. C. Andreas.
590 Elizabeth Andrews.
591 M. A. F. Andrews.
592 Jno. W. Andrews.
593 E. W. Andrews.
594 Charles A. Chudwick.
595 P. E. Biorkman.
596 A. Biorkman.
597 Caroline Boulton.
598 Eliza Morsden.
599 James Morsden.
600 C. S. Cram.
601 E. P. Cram.
602 M. S. Cram.
603 J. T. Lynch.
604 P. C. Dunn.
605 F. E. Choppe.
606 J. S. Smith.
607 W. F. Raybould.
608 Louis Cohn.
609 Job Smith.
610 Elisia Sharkey.
611 R. H. Showels.
612 Edward Rushton.
613 Caroline Rushton.
614 A. J. Eardley.
615 Sarah Conick.
616 John Bolser.
617 Adelia Shanefield.
618 John McDonald.
619 Edward Taylor.
620 Josephine Taylor.
621 J. W. Meredith.
622 A. Dallmon.
623 Abigail Leonard.
624 Lyman Leonard.
625 John Hutchings.
626 A. S. Patrick.
627 James Pardee.
628 Mose Thurston.
629 S. A. Pollock.
630 D. W. Hunter.
631 Isabella Curtis.
632 H. B. McLelland.
633 Margaret Cawan.
634 E. B. Jones.
635 Ceina Barton.
636 Jacob Peart, sr.

637 Ann W. Peart.
638 Mary Slack.
639 Jacob Peart, jr.
640 M. A. Bourne.
641 Pricilla Bourne.
642 Lizzie Gove.
643 Jane Bostwick.
644 Margaret Peart.
645 Clara Stenhouse.
646 M. C. Griswold.
647 Robert W. Jordon.
648 Caroline Goss.
649 F. Goodspeed.
650 Catrina Martin.
651 J. M. Griswold.
652 Thomas Taylor.
653 George Taylor.
654 Wm. Taylor.
655 Wm. H. Folsom.
656 L. A. Billings.
657 Mary Hall.
658 Mary Croft.
659 George Clark.
660 Henry Eckles.
661 Alice Weinel.
662 Mary Birkman.
663 Annie Birkman.
664 Christina Bird.
665 Eliza Little.
666 Anna Burton.
667 Geo. B. Spencer.
668 James Anderson.
669 J. R. Winder.
670 M. I. Blasard.
671 Susan Worthington,
672 Sarah Cowley.
673 Martha Needham.
674 Mary O. Lambert.
675 Elizabeth Needham.
676 Lydia Stevens.
677 G. W. Rose.
678 Wm. Colder.
679 H. A. Badger.
680 Mary Nuttal.
681 Nancy Stringham.
682 Jos. F. Nownnan.
683 F. T. Perris.
684 Geo. Bourne.
685 Wm. Foster.
686 R. A. Keys.
687 S. P. Taft.
688 Moses Hirshman.
689 Wm. P. Appleby.
690 Thomas Armstrong.
691 D. R. Firman.
692 Geo. Swan.
693 J. D. Spratt.
694 M. Openhammer.
695 Annie Woods.
696 Mary Horne.
697 Arick Peterson.
698 E. L. Almond.
699 Rachel Anderson.
700 A. Y. Bevaun.
701 Rosa Townsend.
702 Elizabeth Savage.
703 H. S. Beatie.
704 Sarah Brown.
705 T. D. Brown.
706 James Needham.
707 Wm. Ayrton.
708 Elizabeth Ayrton.
709 Eliza Foster.
710 D. A. Swan.
711 Thomas Callet.
712 John Day.
713 A. S. Gray.
714 Harriet Taylor.
715 W. H. Homer.
716 J. W. Ure.
717 Lottie Argust.
718 Heber Stollings.
719 Elizabeth Britton.
720 Mary McMain.
721 Ann Winters.
722 Mira Winter.
723 Joanna Winter.
724 Geo. Whitaker.
725 Mary Marcroft.
726 B. Beers.
727 Sarah Smith.
728 H. Monheim.
729 James Camp.
730 Joseph Pollard.
731 Jane Taylor.
732 Elizabeth Taylor.
733 Elizabeth Townsend.
734 Geo. M. Scott.
735 M. A. Jackson.
736 Fannie Woodruff.
737 Rachel Worwood.
738 Joseph Chamberlain.
739 Mary Eddington.
740 George Tall.
741 A. Maria Cannon.
742 Willamina Cannon.
743 Sarah Browne.
744 M. E. Palmer.
745 M. A. Palmer.
746 Margaret Taylor.
747 Alice A. Kemp.
748 J. J. Taylor.

749 E. W. East.
750 Heleanor Pratt.
751 H. Staples.
752 G. Winn.
753 Margaret Luff.
754 Alex. Cohn.
755 Sol. Levi.
756 Edmond Butterworth.
757 Jane Richardson.
758 Helen Winder.
759 Amelia McDonald.
760 John McNeil.
761 Wm. D. Williams.
762 Heleanor Dinwoodey.
763 Elizabeth Rose.
764 Eliza Homer.
765 Harriet Woodberry.
766 Oliver Wilson.
767 Louise Eddington.
768 E. J. Fox.
769 Agnes Swartz.
770 Mary May.
771 S. G. Coburn.
772 Isaac Barton.
773 Adolf Anderson.
774 A. C. Rose.
775 R. G. Parker.
776 Sarah Bigler.
777 Helen Bowring.
778 Fannie Tuman.
779 Marion Green.
780 M. A. Green.
781 John Tumor.
782 T. H. Woodberry.
783 Catharine Woodberry.
784 Elizabeth Priest.
785 M. A. Keaton.
786 Mary Brown.
787 Elizabeth South.
788 M. A. Rich.
789 W. S. Walker.
790 Mary Jenkins.
791 Jane Fox.
792 James Townsend.
793 T. J. Wixey.
794 Wm. Rigby.
795 H. F. Towsley.
796 Osweld Bluemel.
797 Edward Martin.
798 Rachel Martin.
799 M. A. Taylor.
800 John Page, jr.
801 Lavinia Page.
802 Ruth Edwards.
803 Elizabeth Stevenson.
804 A. E. McFall.
805 B. W. Nowlan.
806 Daniel Hutchington.
807 D. H. Cannon.
808 J. P. Nourmon.
809 Geo. J. Rodwell.
810 J. G. Wheeler.
811 M. Colebrook.
812 C. Colebrook.
813 T. L. Blake.
814 J. B. Milan.
815 Mary Green.
816 E. Norman.
817 L. Ure.
818 Jane Roberts.
819 Wm. H. Bixer.
820 Laura Miner.
821 Helen Beatie.
822 Elizabeth Townsend.
823 Louise Crismon.
824 Jennie Melrose.
825 Helen Crismon.
826 Sarah Dinwoodey.
827 Elizabeth Blackhurst.
828 S. M. Cannon.
829 Joseph Weiler.
830 N. Stodart.
831 Elizabeth Lloyd.
832 Henry Woodmansee.
833 Esther Woodmansee.
834 P. Colder.
835 George Crismon.
836 L. S. Hills.
837 M. L. Crismon.
838 Theressa Hills.
839 N. C. West.
840 G. H. Reught.
841 C. Condie.
842 Isabella Rich.
843 J. S. Evans.
844 David Jones.
845 Henry Standish.
846 N. B. Folsom.
847 Richard Carrol.
848 H. J. Faust.
849 Mary Bundy.
850 Wm. Palmer.
851 Mary Day.
852 David Day.
853 Thomas Jenkins.
854 M. A. F. Jenkins.
855 M. Jenkins.
856 Elizabeth Day.
857 Wm. Eddington.
858 Daniel Dunn.
859 Edward Atkins.
860 L. O. Littlefield.

861 Harriet Snarr.
862 M. McKimmins.
863 W. H. Wilkinson.
864 M. E. Jones.
865 Rolf Partington.
866 Elizabeth Cain.
867 Aggie Elms.
868 Thomas Hawkes.
869 J. M. Orr.
870 M. L. Davis.
871 David Love.
872 Godfrey Haven.
873 S. A. Harrops.
874 Sarah Harrops.
875 R. L. Campbell.
876 C. B. Hawley.
877 Gibson Condie.
878 A. Hardman.
879 J. J. Brown.
880 Nathan Lyne.
881 John Dole.
882 Joseph Lang.
883 Geo. Ball.
884 S. Russel.
885 John M. Gant.
886 Henry Staples.
887 Thomas Timmings.
888 Fannie Timmings.
889 M. E. Gray.
890 Mary Cambbell.
891 Jane Campbell.
892 Elsa Taust.
893 Wm. Jenkins.
894 Charles Helm.
895 John Lindsey.
896 S. W. Richards.
897 S. P. Richards.

The foregoing is a correct list of the names of persons voting in second precinct, Salt Lake City and County, this 5th day of Augt A. D. 1872.

S. W. RICHARDS,
Judge of Election

Attest :

S. P. RICHARDS, *Clerk*

No. 7.—EXHIBIT No. 4.—*Poll-list of third precinct of Salt Lake City*

1 W. J. Player.
2 S. B. Dallas.
3 Elizabeth Trotter.
4 Joseph Dean.
5 Catherine Dean.
6 Amelia Dean.
7 Wm. Clayton.
8 John Ware.
9 Charles Jones.
10 Joseph Shaw.
11 Wm. Surad.
12 Thomas Pickel.
13 John Mellon.
14 Thomas Harris.
15 Ellen Mather.
16 Robert Smith.
17 Wm. Lewis.
18 John Lewis.
19 Henry Whideker.
20 Simon Noah.
21 George Leas.
22 Wm. Reid.
23 Mary Beard.
24 Elizabeth Twitchel.
25 E. S. Higs.
26 Fred. Ceslar.
27 Jane E. Cesler.
28 Mark Earnshaw.
29 Elias Smith.
30 Wm. Ordidge.
31 George G. West.
32 George V. Morris.
33 Thomas E. Jarinsy.
34 Neals O. Walstrom.
35 Eve M. Walstrom.
36 Annie Walstrom.
37 John Perkins.
38 John Chugg.
39 Joseph Kingdom.
40 Thomas Davis.
41 John Strock.
42 Geo. B. Wallace.
43 Joseph S. Richards.
44 John T. R. Hicks.
45 Annie Hicks.
46 John Cottam.
47 Wm. B. Dougall.
48 Maria Dougall.

49 Catharine Horricks.
50 Henry Cumberland.
51 Joseph H. Mellon.
52 Isaac Whideker.
53 Benjamin Haiskey.
54 Sarah Smith.
55 Julina Smith.
56 Caroline Walstrom.
57 Edward W. Davis.
58 Sarah E. Davis.
59 Jamima Davis.
60 Joseph F. Smith.
61 Edner L. Smith.
62 Zadock Mitchel.
63 Elizabeth Brewer.
64 James G. West.
65 Peter Galaspie, sr.
66 Joseph Eri Risley.
67 Fanny E. Huntington.
68 D. B. Huntington.
69 J. C. Hancock.
70 Olive H. Walker.
71 Joseph Bull.
72 B. W. Ralph.
73 Patty Sessions.
74 Geo. Wilding.
75 Samuel Hamer.
76 W. A. Hodges.
77 Margret Knowlton.
78 Isaac Hunter.
79 George C. Riser, sr.
80 Mary H. Kimball.
81 Fred. Ballwinkel.
82 Alonzo H. Raleigh.
83 John Tingery.
84 Pheby Tingey.
85 Johana Nealson.
86 J. W. Phipen.
87 Charles Hanly.
88 J. M. Harris.
89 George Morris.
90 Thomas Higgs.
91 John S. Haslum.
92 Hannah Conklin.
93 Elizabeth H. Higgs.
94 Joseph A. Peck.
95 Sarah Jeremy.
96 Abraham Mina.
96½ M. Jeremy.
97 W'm Coon.
98 Emma Bull.
99 Hue Day.
100 E. B. Tripp.
101 Sophia Tripp.
102 Pheby Tripp.
103 Elizabeth Sessions.
104 John Hamer.
105 Mary Busby.
106 Alace Busby.
107 John R. Haslum.
108 Thomas Graham.
109 G. Hayward.
110 Sarrah Hayward.
111 Elizabeth Hayward.
112 Ann Smith.
113 John Ransom.
114 Sarrah Mackly.
115 William Pitt.
116 A. Pry.
117 Nathan Davis.
118 James F. Clery.
119 Alfred Solomon.
120 William L. Perkins.
121 Horas Gibbs.
122 Elizabeth Coon.
123 David T. Perkins.
124 Sarrah J. Berbage.
125 William Jennings.
126 A. Coon.
127 Caroline Ransom.
128 Sarah Coon.
129 Emly Fergason.
130 Alace Baily.
131 William Bailey.
133 Mary Cottam.
134 Joseph Mathews.
135 Catharine Cottam.
136 Isaac Coon.
137 James Solomon.
138 Edwin Soloman.
139 Wm. Trotter.
140 Josua Parker.
141 Drucila Parker.
142 Henry Grow.
143 Adam Brown.
144 John Boice.
145 Thomas Bar.
146 Mary V. M. Jackman.
147 Ruth Clayton.
148 Elizabeth Clayton.
149 Elizabeth Cannon.
150 Mary Canon.
151 Elikah Fordham.
152 Adelia A. Pratt.
153 Lucy Nebeker.
154 William Crowther.
155 Anna Crowther.
156 Ann L. Williams.
157 Judith Higby.
158 John S. Higby.
159 John Pea.
160 Peter Reid.

161 Diana Peid.
162 Samuel Skidmore.
163 Robert Janes.
164 Charles M. Plant.
165 Henry Walsh.
166 Charles Cooper.
167 Mary A. Tuttell.
168 Ann Cannon.
169 William Fisher.
170 Caroline H. Gillian.
171 William Hawk.
172 Dally Davis.
173 Hannah Wallace.
174 Betsy Alice Lawson.
175 Ezekiel Holman.
176 Maria Filer.
177 Persinda Kimball.
178 M. A. Watmore.
179 M. J. Taylor.
180 Mersy R. Thompson.
181 Hannah Vout.
182 Jacob Vout.
183 Hannah Engrain.
184 Sarah T. Wells.
185 George Hampkin.
186 Thomas Thomas.
187 Catharine Thomas.
188 George Chugg.
189 Hannah Whideker.
190 Mary A. Shaw.
191 Julia Howe.
192 M. A. Carrington.
193 Charlotte Knowlton.
194 Hannah T. King.
195 Elizabeth B. Pratt.
196 George Neal.
197 F. J. P. Pascoe.
198 Thomas Mathews.
199 Sarah Cumberland.
200 H. W. Church.
201 James Reid.
202 Catharine Church.
203 A. A. Pratt.
204 Thomas E. Jarimy.
205 William Priestly.
206 Edward Cox.
207 Sarah Steward.
208 Caroline Orr.
209 Sarah Neal.
210 Ann Matthews.
211 J. H. Ridges.
212 Edwin W. Davis.
213 John Spence.
214 Edwin Antwistle.
215 Henry Arnold.
216 Emma Arnold.
217 Smithy Arnold.
218 Maria Wilcox.
219 Martry Spence.
220 Eleanor Hatchman.
221 Martha Perkins.
222 Susannah Gibbs.
223 L. F. Mowch.
224 Castina Trusket.
225 Almena Farr.
226 Margaret Jones.
227 Margaret F. Yates.
228 Mary A. Johnson.
229 N. Johnson.
230 Clara Peterson.
231 Eliza L. Cox.
232 Eliza Ellen Cox.
234 Robert Cox.
235 Henry Haskins.
236 Josephine Ersenbeck.
237 John M. Bernhisel.
238 Matthew Barnes.
239 Sarah Barnes.
240 Ruth P. Mathews.
241 Mary A. Riser.
242 Pamelia Riser.
243 Jane Mellon.
244 Enoch Reese.
245 N. H. Felt.
246 Stephen Winchester.
247 Edward Davis.
248 Sarah Davis.
249 John Flowers.
250 Sarah J. Miller.
251 Charles S. Harman.
252 Z. Jacobs.
253 John Acomb.
254 Levi Wilsonholm.
255 Sarah L. Cheminant.
256 Agnes L. Cheminant.
257 Mary M. Neal.
258 W. H. Hooper.
259 Ann Hamer.
260 Sarah Hamer.
261 Ellen Lancey.
262 Luther Twitchell.
263 Elizabeth Twitchell.
264 Edward Hunter.
265 Susannah Hunter.
266 John Olsen.
267 Milando Pratt.
268 Elizabeth Pratt.
269 J. G. Coulter.
270 Dora A. Coulter.
271 Daniel Stuart.
272 Joseph Riddle.
273 Martin H. Peck.

274 Charlotte A. Peck.
275 A. B. Lamson.
276 John Hogland.
277 Adelia M. Hogland.
278 Paul Lechtenbeg.
279 Hannah Lewis.
280 Mary Peirce.
281 Mary Collet.
282 Mary Sleighter.
283 John Prye.
284 John Vincent.
285 T. W. Elebeck.
286 Emma Elebeck.
287 Emily Doudan.
288 John Snyder.
289 Albert Merrill.
290 Fanny Merrill.
291 Adam Ortan.
292 L. W. Peck.
293 R. V. Morris.
294 Harriet Morris.
295 Patience Hanson.
296 Maria Thomson.
297 Mary Watson.
298 Catharine Hampton.
299 Sarah Gibbons.
300 James Sewal.
301 William C. Neal.
302 Annie Neal.
303 William Jefs.
304 H. C. Barrell.
305 James Vincent, sr.
306 John Haslum.
307 Samuel Haslum.
308 William Priestley.
309 William Asper.
310 Rebecca N. Jones.
311 Mary Asper.
312 John Cottam.
313 Edwin Daudan.
314 Emma Lake.
315 Emma Reed.
316 Sarah Selly.
317 Richard Mathews.
318 Mary A. Mathews.
319 Annie Morris.
320 John Kingdom.
321 Lorenzo Pettit.
322 Lucy A. Pettit.
323 Levi Reid.
324 George Bawdin.
325 J. Langford.
326 Ethan A. Pettit, jr.
327 Gustavus Anderson.
328 Ethan Pettit.
329 Orson Pratt, sr.
330 Marian R. Pratt.
331 Harriet A. Huntington.
332 Amanda Kimball.
333 Julia Raleigh.
334 Emaline Vanats.
335 Ruth Eldridge.
336 Mary A. Parmer.
337 Ann A. Kimball.
338 Amanda Martin.
339 William W. Player.
340 Mary Player.
341 Thomas King.
342 Harriet Dallas.
343 Maria Squires.
344 Agnac Jones.
345 Miles Williams.
346 Robert Peirce.
347 Hannah Peirce.
348 Susannah Smith.
349 Sarah Pickel.
350 Joseph H. Taylor.
351 Frank Pasco.
352 Mary E. Jeremy.
353 Susannah Lechtenberg.
354 Eliza Ordige.
355 Joseph Littlewood.
356 Alvin Winegar.
357 Margaret Winegar.
358 Philip Pugsley.
359 Martha Pugsley.
360 Clara Pugsley.
361 Mary Jane Smith.
362 Eliza Broadbent.
363 Mary Jane Goodridge.
364 Pheby Vincent.
365 Lida Entwistle.
366 Hannah Bailey.
367 James Baldwin.
368 Sacilia Knowlton.
369 Emmy Solomon.
370 Elizabeth Kingdom.
371 Laron Pratt.
372 Julia A. Phipin.
373 Elsy Fullar.
374 Mary R. Minkly.
375 Isaac Phipen.
376 James S. Brown.
377 Rebecca A. Brown.
378 Eliza Brown.
379 Wilson Brown.
380 John Parry.
381 Betsy Whideker.
382 Eliza Westwood.
383 Margret Haslum.

384 Mary A. Haslum.
385 Anna Enwistle.
386 Mary Howcropt.
387 Malisa Jane Lampson.
388 Henry Emery.
389 Elisabeth Emery.
390 Thomas Davis.
391 Elizabeth Evans.
392 James Alwicks.
393 Jane Derbige.
394 Joseph Derbige.
395 Christopher Merkley.
396 Sarah Merkley.
397 Xaris Merkley.
398 Emma Coon.
399 Persilla Jennings.
400 William Durr, sr.
401 William S. Price.
402 Malisa J. Davis.
403 Isaac Rhoads.
404 Nancy Shaw.
405 James Lawson.
406 Elizabeth Anard.
407 Elizabeth Bowk.
408 E. Rawlins.
409 R. Callett.
410 E. Besly.
411 William H. Darr.
412 Mary Shaw.
413 Sarah Littlewood.
414 Rachel Whipple.
415 Brigham Elerbeck.
416 Catharine Pettit.
417 William Flint.
418 Mary J. Flint.
419 R. S. Ware.
420 Sarah Whideker.
421 Maria Goodridg.
422 Robert Charles.
423 Jennie Preistly.
424 Martha Elsmore.
425 Sarah Hill.
426 Clarsa Box.
427 William Chugg.
428 Hezakiah H. Peck.
429 Mary S. Peck.
430 Sarah E. Derr.
431 Ester Davis.
432 Anna V. Cook.
433 Mary F. Thomas.
434 Julia M. Graw.
435 Margret Clarey.
436 Emeline Kesler.
437 Abagal Kesler.
438 Elizabeth Perry.
439 Margret R. A. Alford.
440 Sarah B. Hovey.
441 Sarah Corbet.
442 Elizabeth Hamer.
443 James Tuckfield.
444 John T. Evens.
445 Betsy Roundz.
446 J. H. Hangsly.
447 Agathy Ridges.
448 M. W. Jacobs.
449 Mary Chugg.
450 William Peck.
451 Olive Peck.
452 Ann Peck.
453 Sylva Snyder.
454 Lavina Davis.
455 John Segar.
456 Sarah D. Rich.
457 Hannah Busby.
458 George A. Neal.
459 Elisa Salz.
460 Elizabeth Solomon.
461 Maria Morris.
462 Elizabeth Campkiss.
463 Julia Jinkenson.
464 Mary W. Pratt.
465 Mary Woods.
466 Amelia Holms.
467 Rebecca Noals.
468 Elisa Reid.
469 Sarah Strock.
470 Charles Oneal.
471 John Coon.
472 S. Walker.
473 Maranette Walker.
474 Agnace Russell.
475 Sarah W. Davis.
476 F. Callder.
477 Catharine Dikeman.
478 Cornelia Zibulan.
479 Mary J. Walker.
480 Marsena Cannon.
481 B. T. Mitchell.
482 Susan H. Mitchell.
483 George Q. Cannon.
484 Mary Noal.
485 Even Williams.
486 R. M. Carrington.
487 Samuel Kimball.
488 Juliett Pratt.
489 Margalm Pratt.
490 Ann Reith Hawk.
491 Susan C. Day.
492 Elizabeth Boyce.
493 Lizette Ursenback.
494 Ann Larsen.
495 Bettie Whitehead.

496 Allace Shaw.
497 Catharine Whitehead.
498 Lucy Smith.
499 Susan Whippel.
500 Mary Sylver.
501 Maria Tascoe.
502 Emmy J. Smith.
503 Henry Walters.
504 Ann Cottam.
505 Annie Jinkenson.
506 Ellen Walch.
507 M. H. Peck, jr.
508 Lucious C. Peck.
509 Annie Mary.
510 A. G. Haven.
511 Jane Sewal.
512 Sarah A. Clayton.
513 M. M. Hyde.
514 W. F. Albrand.
515 Jane Ann Albrand.
516 Benjamin Hampton.
517 Joseph H. Evans.
518 Margann Feilding.
519 Thomas E. Taylor.
520 Sarah Lyons.
521 Sarah Taylor.
522 Maria Lyons.
523 John R. Robbins.
524 Caroline P. Tibbets.
525 Sarah E. Hovey.
526 William J. Newman.
527 James P. Paul.
528 Charlotte Baker.
529 Martha T. Cannon.
530 William Bath.
531 Susan Carandall.
532 G. H. C. Gibbs.
533 Andrew Peterson.
534 Henry P. Doremas.
535 Hariet F. Doremas.
536 John R. Jones.
537 Thomas J. Jones.
538 Pear Howell.
539 Magila Crompton.
540 L. Holder.
541 Sarah Williams.
542 Nicklos Groesbeck.
543 Marthy Paul.
544 Joseph Bridge.
545 David Dick.
546 William Ridd.
547 Charles Barrell.
548 Emma Barrell.
549 Caroline C. Raleigh.
550 Susan Lyons.
551 William Jones.
552 William Selly.
553 Margret Merill.
554 Mary A. Chugg.
555 O. D. Hovey.

We hereby certify that the foregoing is a true and faithful copy or list of the names of the electors who voted in the third precinct, Salt Lake, at the general election.

August 5, 1872.

THOMAS E. JEREMY,
Judge of Election.
GEORGE V. MORRIS,
Clerk.

No. 8.—EXHIBIT No. 5.—*Poll-list of fourth precinct of Salt Lake City.*

1 Minor G. Atwood.
2 James Sharp.
3 Solomon Rossiter.
4 Spears Lawson.
5 Adam Hunter.
6 David Hunter.
7 Chas. Burgess.
8 John Cahoon.
9 John Lawson.
10 J. W. Sharp, jr.
11 Wm. Gibson.
12 John Gillis.
13 James Lawson.
14 Milen Atwood.
15 Albert Clayton.
16 Geo. Staniford.
17 Chas. Ringwood.
18 Thos. Murr.
19 Jos. S. Scofield.
20 John Kirkman.
1 Thos. Raffle.
2 Peter Gray.
3 Thos. C. Shipp.
4 James White.

5 Lucy A. Young.
6 Susan S. Young.
7 N. C. Twist.
8 C. B. Young.
9 Mary Snively.
30 Catherine Hanson.
1 Mary Hoodman.
2 A. C. Ringwood.
3 S. A. Vanberg.
4 J. Cushing.
5 Martha Boker.
6 Wm. Rossiter.
7 Godfrey Lineout.
8 D. J. Griffiths.
9 Rebecca Griffiths.
40 H. Wilson.
1 Louisa Wilson.
2 Mary Hyde.
3 A. Smith.
4 C. C. Rich, jr., 2d.
5 J. M. Michelson.
6 A. Johnson.
7 C. Johnson.
8 Wm. Hyde.
9 J. E. Taylor.
50 L. R. Taylor.
1 L. W. Hardy.
2 Rachael Grant.
3 Jeter Clinton.
4 E. R. Snow.
5 E. M. Hanks.
6 Chas. Clifton.
7 Jos. Bagley.
8 James Rogers.
59 T. R. Jackson.
60 A. Cram.
1 Mary Lark.
2 Robt. Sneddon.
3 James Clark.
4 Feramonez Little.
5 Isaac Decker.
6 Sarah Decker.
7 C. Shipp.
8 Thomas Cunnington.
9 Wm. Fewins.
70 Theodore W. Curtis.
1 Jas. Wardrobe.
2 Susan Paxman.
3 John Wardrobe.
4 Hannah Barber.
5 Hopkins Jones.
6 Chas. Rogers.
7 Thos. Moss.
8 W. L. N. Allen.
9 John Squires, sr.
80 John F. Squires.
1 Wm. Robinson.
2 A. W. Winberg.
3 John Clayton.
4 C. Drasher.
5 L. Wirthling.
6 W. B. Barton.
7 W. H. Hatwell.
88 Wm. H. Shurley.
89 A. R. Jackman.
90 Samuel Worthington.
1 Jas. Hayton.
2 Henry Woolley.
3 Alexr. Frazier.
4 Hannah Farnham.
5 Emma Hansen.
6 S. Young.
7 Wm. M. Cahoon.
8 Fred. Haughton.
9 James Brewer.
100 Hamilton Park.
1 John Wardrobe.
2 Francis Edmunds.
3 Martha Parrish.
4 A. N. Hill.
5 Jos. Woolley.
6 E. D. Partridge.
7 Lars Auhder.
8 Peter Baird.
9 Chas. Crabtree.
110 Thos. Latimer.
11 M. H. Thomas.
12 Henry Salisbury.
13 Isabella Waller.
14 Sarah E. Wilson.
15 M. Worthington.
16 Wm. Wilson.
117 Margtt. Pierce.
18 Jas. Sabine.
19 Wm. Tucker.
120 E. Anderson.
1 Jas. E. Wellard.
2 Jos. Hawkini.
3 M. A. Hawkini.
4 Wm. Hardy.
5 John Evans.
6 Frank Merril.
7 H. O. Young.
8 Geo. Brooks.
9 Wm. Capener.
130 John Needham.
1 Susan Edwards.
2 Robert Collins.
3 Henry C. Fowler.
4 Alfred Gunn.
5 Truman O. Angel.
6 Polly Angel.

7 Wm. Noyce.
8 I. J. H. Thompson.
9 John Beers.
140 Z. T. Derrick.
1 G. W. Nobbs.
2 Alexr. Heequist.
3 Andrew Ordson.
4 Jno. Peter Mortensen.
5 James Goddard.
146 Henry W. Debenham.
7 M. B. Wheelright.
8 Nelson Empy.
9 L. P. Borg.
150 Edwd. Gabbott.
1 Alfred Tame.
2 Henry Peusey.
3 Seymour B. Young.
4 Edwd. Price.
5 A. Price.
6 Henry Vincent.
7 Chas. Millard
8 Wm. Adamson.
9 H. C. Young.
160 Wm. G. Phillips.
1 Henry Houtz.
2 Marg'tt Bowman.
3 E. F. Young.
4 M. Conrad.
5 W. R. Conrad.
6 Henry Cox.
7 Wm. R. Adkins.
8 Jos. C. Kingsbury.
9 David A. Parry.
170 Harriet Barney.
1 Sarah Bagley.
2 Ra Barker.
3 Mary Foremaster.
4 Jno. G. Pinder.
175 Thos. Hardin.
6 Jos. Barker.
7 J. R. Howard.
8 Jno. G. Williams.
9 Wm. F. Cahoon.
180 Camilla C. Cobb.
1 Wm. Evans.
2 Jno. Lyon.
3 Samuel Williams.
4 Fr. Schullquist.
5 Fred. Culmer.
6 Walter Williams.
7 Jos. Clayton.
8 H. Hoffman.
9 J. Hoffman.
190 Alexr. Gibson.
1 J. Gibson.
2 S. J. Coulam.
3 John Anderson.
4 Jno. Coulam, jr.
5 B. H. Young.
6 Thos. Horne.
7 C. Christianssen.
8 A. Matson.
9 Jabez Taylor.
200 Alfred Oldfield.
1 Samuel Neslin.
2 W. F. Neslin.
3 Jno. Oldam.
204 Adam Duncan.
5 Andrew Meenier.
6 A. Larson.
7 Wm. Crabtree.
8 Andrew Bevit.
9 Edwd. Davis.
210 Sarah Haslem.
11 Jane Tuckett.
12 A. Smith.
13 Jno. M. Smith.
14 A. Woolley.
15 M. Glenn.
16 E. D. Woolley.
17 M. E. Cook.
18 John Matthews.
19 Geo. Triplett.
220 Jas. Dick.
1 Geo. Dunford.
2 Geo. Teasdale.
3 Jas. Knight.
4 C. Knight.
5 Hy Tuckett.
6 Thos. Porcher.
7 Mary Freeze.
8 E. Knowlden.
9 Geo. H. Knowlden.
230 Jas. Jack.
1 M. C. C. Cahoon.
2 A. Cahoon.
233 Robt. Howlett.
4 H. C. Jacobs.
5 John Miller.
6 W. H. Clayton.
7 Jas. Mantrippe.
8 S. Mantrippe.
9 Chas. Caldwell.
240 F. Little.
1 P. Richards.
2 Rewben Kirkham.
3 John Gray.
4 A. Rossiter.
5 A. P. Rockwood.
6 Leonard I. Smith.
7 John Reading.
8 E. Miller.

9 John Myers.
250 James Curray.
1 James Bourne.
2 G. Taylor.
3 Wm. Sambourne.
4 Chas. West.
5 Andrew Peterson.
6 James Payne.
7 Jas. H. Felt.
8 Elizabeth Taylor.
9 Robt. H. Swain.
260 M. Swain.
1 Jane Sabine.
262 O. L. Eliason.
3 Catherine Kenney.
4 Malvina Snow.
5 Edwin Senior.
6 Jos. Graham.
7 Jno. Larson.
8 Mary Worthen.
9 A. M. Musser.
270 M. W. Musser.
1 Anna Starr.
2 A. B. Starr.
3 J. H. Rhumell.
4 E. D. Hoge.
5 M. S. Snow.
6 Z. Snow.
7 C. W. Player.
8 Jno. Sevenson.
9 Jos. Dober.
280 Thos. Manning.
1 Nathl. Simmons.
2 Chas. G. Walker.
3 Michael Earl.
4 Geo. S. Dunford.
5 Duncan McAllister.
6 Walter Paul.
7 H. Woodhouse.
8 E. Williams.
9 H. L. Southworth.
290 Geo. Romney.
291 Wm. J. Hooper.
2 C. B. Mellan.
3 Chas. Hall.
4 Jno. Greer.
5 Wm. T. Folger.
6 Wm. Saunders.
7 Mark Croxall.
8 S. B. Rose.
9 R. J. Taylor.
300 C. F. Tweede.
1 J. C. Tweede.
2 John Thanung.
3 Paul A. Schattler.
4 John Bain.
5 W. S. Trescotte.
6 C. W. Stayner.
7 O. H. Riggs.
8 Richard Telt.
9 Jos. Bushy.
310 Chas. Peterson.
11 Phares Wells.
12 D. Drake.
13 Horace Drake.
14 J. Williamson.
15 Robt. Campbell.
16 Robt. K. Russell.
17 R. N. Russell.
18 Henry Smith.
19 M. Hughes.
320 M. E. Randell.
1 E. Senior.
2 M. Sands.
3 Anthony Cockerill.
4 John Miller.
5 Jane Miller.
6 John Wilson.
7 A. C. Larson.
8 E. Hunter.
9 L. A. Blomquist.
330 Welcome Chapman.
1 Jos. Goddard.
2 W. R. Wells.
3 J. C. Liddell.
4 Julia Ann Rockwood.
5 Smales Jackson.
6 Wm. Longmore.
7 B. Y. Hampton.
8 Leger Loveridge.
9 W. S. Jones.
340 H. Hallett.
1 H. Hansen.
2 E. S. Wilson.
3 C. Blomquist.
4 Wm. Searl.
5 Wm. E. Winkworth.
6 C. V. Spencer.
7 A. Hooper.
8 M. Naylor.
9 A. Naylor.
350 Geo. Luff.
1 Jas. Durnford.
2 Louisa Spencer.
3 Sarah Sears.
354 R. Waterfall.
5 M. Spencer.
6 A. Spencer.
7 Susannah Spencer.
8 C. Sansbury.
9 S. A. Stringham.
360 J. T. Wilson.

1 Thos. Knowlden.
2 Saml. Oliver.
3 P. Staines.
4 E. Clawson.
5 John T. Lewis.
6 Robt. Irvin.
7 Robt. Cushing.
8 N. H. Rockwood.
9 J. A. Thompson.
370 H. McEwen.
1 Jas. McEwen.
2 W. J. Beatie.
3 G. H. Van.
4 J. H. Hagen.
5 F. A. Franzen.
6 Ellen Kay.
7 W. Swartz.
8 David Hilton.
9 Robt. Triplett.
380 Chas. Moore.
1 G. A. Alder.
2 Thos. J. McIntosh.
3 John Lees.
4 J. R. Winder, jr.
5 Jas. E. Clinton.
6 John Woodhead.
7 C. B. Clarke.
388 Jas. Turnbull.
9 John T. Caine.
390 S. Long.
1 R. H. Robertson.
2 James Wood.
3 P. H. Lannan.
4 W. D. Vanburen.
5 G. R. Maxwell.
6 A. K. Smith.
7 Chas. D. Handy.
8 R. Miller.
9 A. Miller.
400 E. Sheinfelt.
1 Wm. M. Johns.
2 Maria Kundeson.
3 A. Hailstrom.
4 Vienna Jacques.
5 A. Snelgrove.
6 V. Snelgrove.
7 Robt. Forrester.
8 Ed. Snelgrove.
9 Wm. Atwood.
410 R. J. Knight.
11 W. C. Handry.
12 F. Platt.
13 Chas. Rhodes.
14 Joshua Midgley.
15 Geo. A. Smith.
16 Carl G. Maeser.
17 M. A. Burnham.
18 Ann Lenham.
19 M. A. Henderson.
420 Elizth. Anderson.
1 E. Anderson.
422 Carl Oscar.
3 John Blakemore.
4 Thos. Lenham.
5 John Sharp.
6 Wm. Bayliss.
7 Chas. Crow.
8 Wm. D. Owen.
9 Eleazor Miller.
430 Elizth. Bean.
1 F. W. Brushaber.
2 D. W. Morrison.
3 Wm. Bodsford.
4 Jno. Knapp.
5 H. B. Bottsford.
6 Thos. Sansom.
7 Jno. S. Smith.
8 E. Baumgarton.
9 Jno. Tulledge.
440 Robt. F. Nichols.
1 Ann Burtens.
2 E. Searl.
3 C. Hammer.
4 R. Sproule.
5 A. Raffle.
6 M. A. Sansom.
7 Mary W. Taylor.
8 Dianah Camp.
9 E. Myers.
450 Martha Reed.
1 J. H. Wickizer.
2 Chas. Myerfelt.
3 Chas. Loren.
4 Wm. Kelson.
5 Mary Ann Cook.
456 H. Humphries.
7 Jas. Morrison.
8 S. E. Crain.
9 Jno. Meldanurf.
460 T. Couch.
1 A. Bloominthal.
2 Capt. C. Lawrence.
3 J. T. Bateman.
4 C. P. Croy.
5 Demas A. Saunders.
6 Henry Lewis.
7 John Conlam.
8 D. N. Hurlburt.
9 T. A. Lyne.
470 J. C. Ensign.
1 Polly Stringham.
2 Harriet N. Stringham.

3 Elizth. Goddard.
4 Margt. Mitchell.
5 Mary Goddard.
6 E. G. Lyon.
7 E. Goddard.
8 Geo. Goddard.
9 Harriet Lewis.
480 E. G. McAllister.
1 W. G. Jones.
2 J. C. Lawrence.
3 E. H. Murphy.
4 John Miller.
5 Marion Peterson.
6 Ann Hyam.
7 A. Avimet.
8 E. Sells.
9 Geo. Openshaw.
490 John Moselle.
1 Geo. Coulam.
2 John Taylor.
3 Chris. Paine.
4 H. P. Richards.
5 Elizbt. Coulam.
6 Jane Livingston.
7 Ellen Livingston.
8 Jennetta Frame.
9 E. E. Lewis.
500 E. Neslin.
1 Vere Dick.
2 C. Lamb.
3 A. Sproule.
4 R. R. Anderson.
5 Jas. Dwyer.
6 John Parker.
7 John D. Avimet.
8 F. A. Mitchell.
9 Thos. Morris.
510 W. T. Fisk.
11 Jacob Smith.
12 Jas. Cassleton.
13 John Larsen.
14 Thos. Harford.
15 L. Birenshaw.
16 Geo. T. Nickolson.
17 S. P. Neve.
18 James Crouch.
19 S. McDonald.
520 Z. McDonald.
1 S. Wintworth.
2 E. A. Bolter.
3 M. Titcombe.
524 Mary Williams.
5 E. Rigley.
6 S. Shearer.
7 Jno. McDonald, sen'r.
8 W. H. Liter.
9 T. F. Fuller.
530 J. S. Maderia.
1 Amanda Smith.
2 Danl. Shearer.
3 Chas. Neilson.
4 C. G. Webb.
5 S. Kemp.
6 John Boulter.
7 Ann Leaker.
8 E. Leaker.
9 A. Moss.
540 E. Platt.
1 F. G. Young.
2 W. J. Moss.
3 James Reed.
4 Chas. Livingston.
5 Jos. Smith.
6 G. A. Johnston.
7 F. T. Nobles.
8 George Pope.
9 Saml. H. Nelson.
550 Jno. A. Groosebeck.
1 Jos. J. Daynes.
2 Sophia Ramsdell.
3 Julia Bergstrom.
4 Mary Trantzen.
5 Alecia Arnold.
6 Rebecca Meeds.
7 Sarah Frazier.
558 Lizzie Goodrich.
559 C. Campbell.
560 A. Durnford.
1 E. Rossiter.
2 E. Durnford.
3 E. Chase.
4 M. J. Howell.
5 E. Little.
6 J. C. Little.
7 K. Durnford.
8 N. Snell.
9 F. Thatcher.
570 Eliza West.
1 H. Young.
2 Minnie Osterhout.
3 A. Vine.
4 May Durnford.
5 M. A. Dangerfield.
6 Ellen Woolley.
7 Louisa Ashley.
8 W. Rogers.
9 Thos. Davis.
580 P. L. Bleeker.
1 Wm. Ballan.
2 M. Lineout.
3 Jas. Iverson.
4 Jeff. Howell.

5 Geo. Field.
6 Phœbe Ottinger.
7 Geo. Ottinger.
8 Mary A. Young.
9 L. C. Young.
590 Pat Kervin.
1 Chris. Neilson.
592 Harry Cifford.
3 S. A. Mann.
4 G. W. Crow.
5 Jos. Young.
6 E. Hyde.
7 E. Smith.
8 Mary Hunt.
9 S. Coulam.
600 A. Hogan.
1 H. Wheitlain.
2 P. Ophines.
3 Chas. Abbott.
4 F. M. Dodge.
5 J. H. L. Tuck.
6 Milton Goodrich.
7 Thos. Flemming.
8 J. W. Young.
9 S. A. Graham.
610 H. Baracluff.
11 H. C. Wells.
12 Lydia A. Wells.
13 S. H. Wells.
14 Geo. Hurlburt.
15 Geo. W. Davis.
16 Thos. W. Haskins.
17 Wm. M. Weil.
18 H. Knutnason.
19 Sophia Hardy.
620 Mary Standing.
1 E. Poulson.
2 M. Blomquist.
3 F. Williams.
4 H. Johnson.
5 Ruth Laddock.
626 James Shurlock.
7 M. D. Cook.
8 F. S. Moesbey.
9 C. Blomquist.
630 A. Gunneson.
1 Elizth. Barnes.
2 N. Hammer.
3 Mary Atwood.
4 Isora Knight.
5 Robt. McRay.
636 Nelson Ockrey.
7 R. A. Richey.
8 J. Kemp.
9 R. B. Sagers.
640 A. Q. Brown.
1 Geo. A. Black.
2 Stanley Taylor.
3 H. N. Brevoort.
4 Wm. Willes.
5 Mary B. Brain.
646 Agnes Child.
7 Althera Simpson.
8 S. A. McClanham.
9 F. Grunden.
650 Caroline Wright.
1 Elizth. Lindsay.
2 Margtt. Hellhouse.
3 E. F. Thomas.
4 Mira Russell.
5 F. M. Hall.
6 R. B. Williams.
7 Geo. D. Keaton.
8 Richd. Brower.
9 Wm. Cooper.
660 Jos. W. Wilson.
1 Jas. McLaran.
2 J. Y. Glendinen.
3 Martesia Smith.
4 Thos. Williams.
5 Geo. Brazier.
6 W. C. Boyd.
7 S. Johnston.
8 Mary A. Davis.
9 A. Worthen.
670 Emnile Worthen.
1 John Worthen.
2 Elizth. Cloggy.
3 Sarah Jane Webb.
4 James Wells.
5 John Rice.
6 B. H. Schettler.
7 C. J. Thomas.
8 J. D. Lambe.
9 Margtt. Glen.
680 Rebecca Daynes.
1 J. L. Grunhand.
2 S. H. Leaver.
3 I. T. Jones.
4 Isabella Muir.
5 H. A. Hardy.
6 J. J. Smelson.
7 J. Marke.
8 Jas. M. Smith.
9 Jas. Campbell.
690 L. Voorhees.
1 Ellen Barton.
2 Rachael Patrie.
3 J. Eldredge.
694 Sarah Forrister.
5 John Daynes.
6 C. Davey.

7 Wm. F. Wiscombe.
8 A. S. Gould.
9 Saml. G. Read.
700 Thos. Hyam.
1 J. Barton.
2 J. R. Marks.
3 D. S. Lunt.
4 Henry Snell.
5 J. A. Mayner.
6 Edwd. Read.
7 Maria Blomquist.
8 R. Knowlden.
9 Louisa Knowlden.
710 Sarah Knowlden.
11 S. Leebes.
12 M. Henry.
13 Mark Lindsay.
14 Susan Brooks.
15 E. Papworth.
16 Sarah Brooks.
17 Ann Clark.
18 J. Morris.
19 Neil Gilison.
720 John Canara.
1 C. Newsom.
2 S. Hughes.
3 E. B. Wells.
4 Mary Turnbull.
5 S. McMaster.
6 Jane Freeze.
7 Harriet Reed.
728 Phœbe Maiben.
729 C. H. Hyde.
730 Louis Pardiff.
1 B. Young.
2 Orson Arnold.
3 Charlotte Payne.
4 B. Young, jun'r.
5 Alice Decker.
6 Ruth Jones.
7 N. F. Blomquist.
8 W. W. Black.
9 Jos. Warren.
740 J. Berman.
1 E. A. Rice.
2 M. Wasserman.
3 J. E. Romell.
4 W. S. Woodhull.
5 H. B. Clawson, jun'r.
6 J. B. Maiben.
7 C. Cushing.
8 M. A. Taylor.
9 Thos. Sanders.
750 David R. Lewis.
1 Wm. Maitland.
2 H. H. Johnson.
3 N. Ferringdon.
4 J. M. Murphy.
5 L. D. Winans.
6 I. Watters.
7 J. W. Parks.
8 Marg. S. Jones.
9 S. M. Heywood.
760 Nancy Openshaw.
1 E. Croft.
762 E. C. Beig.
3 E. Stayner.
4 E. Evans.
5 E. Waterman.
6 Sarah Turnbull.
7 Ruth Larkin.
8 M. Blythe.
9 Amy Braw.
770 Emile M. Taylor.
1 S. Malteese.
2 A. Campbell.
3 Saml. Brooskbank.
4 Godfrey Peck.
5 James C. Weston.
6 J. W. Jenkins.
7 Simon Bamberger.
8 H. Lathrop.
9 John Lyon, jun'r.
780 W. H. Bird.
1 G. W. Terrill.
2 David Cooper.
3 Duff Brown.
4 Winefer Jones.
5 Mary John.
6 Jane Sadler.
7 Mary Jane Allen.
8 D. F. McKim.
9 Abram Alley.
790 Chas. Price.
1 A. Cox.
2 John Evans.
3 H. Lunas.
4 E. Connoley.
5 J. M. Williamson.
796 W. B. Welton.
797 S. Hanak.
798 L. Scofield.
799 A. J. Enerson.
800 Maria Phillips.
1 William Karney.
2 H. Davis.
3 Jno. L. Blythe.
4 George Reynolds.
5 Joshua Rudd.
6 M. F. Clements.

7 J. E. Weegle.
8 J. D. Ross.
9 James Standing.
810 H. C. Pender.
11 Maria Rasmussen.
12 A. Ballen.
13 W. J. Owens.
14 S. R. Beebe.
15 Geo. Pearson.
16 Alexr. Pyper.
17 John Barnard.
18 Mary Free.
19 Elmira Tufts.
820 Mary A. Armstrong.
1 Jane Mitchell.
2 C. Rehmke.
3 H. Leismann.
4 S. Neilson.
5 H. C. Lincoln.
6 Jas. Valentine.
7 R. C. Carlton.
8 Josephine Schettler.
9 Agnes Park.
830 A. Thorne.
1 C. Parks.
2 A. Patterson.
3 Ann Milner.
4 Charlotte Mickle.
5 Elizth. Neibaur.
6 S. A. Coult.
7 Mary A. Hodson.
8 M. P. Anderson.
9 Betsy Frea.
840 Emma S. Sproule.
1 S. Free.
2 A. Free.
3 S. D. Brower.
4 Jane E. Knight.
5 Catherine Morris.
6 Alf. E. Ekland.
7 E. M. Caste.
8 Alexr. Neibaur.
9 Elvira Barney.
850 M. A. Hanks.
1 Eliza Crabb.
2 John Morris.
3 Absolom Free.
4 Martha Kinnersley.
5 Mary M. Shephard.
6 Margtt. Romney.
7 H. B. Wickel.
8 Wm. Knight.
9 Jas. Jack.
860 John Sheean.
1 L. Sutphen.
2 Louisa Bunot.
3 Maria Tuckfield.
864 Relief Atwood.
5 Polly Atwood.
6 Fanny Case.
7 Robt. E. Ireland.
8 James M. Jamison.
9 F. S. Stein.
870 Richard Rogers.
1 W. A. McMaster.
2 B. McAdams.
3 I. G. McLearne.
4 A. L. Smith.
5 S. Sudbury.
6 S. M. Jackman.
7 Agnes Livingston.
8 Sophia Whitley.
9 Harriet Adkin.
880 Betsey C. Tempest.
1 Margtt. W. Johnson.
2 Eliza Foster.
3 Hannah Foster.
4 Wm. D. Major.
5 A. T. Reignig.
6 Jos. A. Bunot.
7 Mary Culmer.
8 H. P. Cuerdon.
9 Sarah Andrews.
890 Mrs. George Hague.
1 J. Druce.
2 Julia A. Druce, jun'r.
3 Mary Hampton.
4 C. W. Pratt.
5 M. Dramer.
6 Catherine Lloyd.
7 Eliza Hooper.
898 A. F. Marten.
899 John Ackstron.
900 Fredk. Blankenall.
1 Karow Godderd.
2 Hannah Millard.
3 Hannah Toronto.
4 Emilie Caldwell.
5 Fredk. Heimans.
6 W. W. Foster.
7 Hy. Collen.
8 James P. Freeze.
9 J. H. Carpenter.
910 R. Alf.
11 F. Brewster.
12 Wm. Millard.
13 O. A. Despain.
14 E. J. Matthews.
15 James J. Woodruff.
16 Chas. Bennette.
17 J. D. Sheldon.
18 W. J. Orwood.

19 W. A. Rooks.
920 A. C. True.
1 Wm. Burrows.
2 John L. Burns.
3 Jas. Lemmon.
4 J. W. Stephens.
5 Thos. Hewlett.
6 Samuel Hallett.
7 A. Turner.
8 Thos. Jones.
9 C. F. Young.
930 Eliza Graham.
1 Mary Ann Reynolds.
932 P. E. Linrot.
3 E. Mortenson.
4 John J. Noon.
5 Sarah Weaver.
6 Mary A. Sansom.
7 C. Davis.
8 John E. Evans.
9 Henry Balch.
940 Len. Perkins.
1 P. Jones.
2 C. E. Dye.
3 Marian Clarke.
4 Annie Culmer.
5 Ann Lloyd.
6 H. C. Doll.
7 Patrick Toole.
8 Charles Smith.
9 John Davis.
950 Robt. Dye.
1 Frank Pitman.
2 Wm. J. Cashe.
3 W. M. Brown.
4 Mary Crow.
5 Wm. Handy.
6 Eugene Culley.
7 Jos. Bowyer.
8 Sarah Castleton.
9 Mary A. McDonald.
960 Wm. Wright.
1 Patric' Lynch.
2 Jos. Covey.
3 E. C. Jackson.
4 W. H. Evans.
5 John Burt.
966 Jos. Bovier.
967 Henry Coulam.
968 Jos. Bean.
969 Mark Barnes.
970 W. P. Thompson.
1 J. Ingram.
2 Mrs. E. R. Jacobs.
3 Wm. McMaster.
4 J. L. Rutherford.
5 Peter Ericson.
6 Margtt. Shipp.
7 Amelia F. Young.
8 Catherine C. Young.
9 Alice Y. Clawson.
980 Hy. McDonald.
1 H. Carlson.
2 J. F. Tracy.
3 E. Jacobs.
4 Maria Bidgood.
5 Mary Smith.
6 Thos. Edwards.
7 Lewis Abrams.
8 Saml. McKay.
9 John Manning.
990 J. Hamilton.
1 A. Russell.
2 C. E. J. Petty.
3 Martha McKay.
4 M. A. Ayland.
5 Elizth. Johnson.
6 Aug. A. Cobb.
7 M. A. Paggen.
8 Marg. J. Young.
9 Charlotte Corless.
1000 Catherine Chapman.
1 J. H. Rhumell, jun'r.
2 H. Dinwoodey.
3 F. J. Titus.
4 E. H. Parsons.
5 H. Barton.
6 Robt. Patterson.
7 Frank Delany.
8 V. Faubel.
9 Morris Lipman.
1010 Lewey Felt.
11 Elizth. Merril.
12 G. W. Pigott.
13 S. L. Ensign.
14 D. W. Kennedy.
15 Mary Dresser.
16 Jane Smith Wells.
17 Robt. Williams.
18 Jabez W. Taylor.
19 Jos. W. Taylor.
1020 Jas. H. Kinnersley.
1 Be. Nash.
2 E. Holland.
3 Aline Smith.
4 V. E. Romney.
5 Jane Knight.
6 C. L. Hills.
7 W. H. Greenhow.
8 Chas. O. Pratt.
9 Caroline Anderson.
1030 Sophia Linjenstrom.

1 Ellen Williams.
2 Olive Williams.
3 W. J. H. Smith.
1034 Mary Walters.
5 C. H. Lashbrook.
6 G. W. Edmunds.
7 D. McGuire.
8 Mary Hawkes.
9 Amos Clark.
1040 A. Elgreen.
1 Hans Hansen.
2 F. Moore.
3 W. H. Clayburn.
4 W. E. Kinnersley.
5 J. M. Bollwinkle.
6 Margtt. Hogan.
7 Thos. Carter.
8 Robt. Patrie.
9 Samuel Roberts.
1050 Jordan Karmamier.
1 Oluf Hammer.
2 Hannah Raben.
3 Sus Schwitzgahbe.
4 J. Tarbeith.
5 M. A. Cheshire.
6 Maria Walsh.
7 A. L. Cowan.
8 Julian Smith.
9 M. J. D. Jonassen.
1060 S. H. Wilson.
1 Jos. A. Young.
2 Geo. Hoggan.
3 Elizth. Evans.
4 David Evans.
5 C. Anderson.
6 Gilbert Linsay.
7 Geo. Hadley.
1068 Peter Fairclough.
1069 E. F. Brantine.
1070 M. Stepper.
1 Saml. Cox.
2 John Gray, jun'r.
3 James Madden.
4 Saml. Rieben.
5 W. S. Porter.
6 H. W. Betts.
7 Lois Hook.
8 W. R. Morey.
9 Richard Gill.
1080 Chas. Luskin.
1 J. Bell.
2 Mary A. Moreton.
3 Danl. R. Williams.
4 Carl Lawson.
5 W. G. Seamons.
6 W. N. McAllister.
7 H. Kinnersley.
8 Robt. Riley.
9 Saml. Luke.
1090 F. G. Chorpening.
1 W. A. Pratt.
2 J. H. Van Atta.
3 Mary Gunderson.
4 Nelson Gibson.
5 B. C. Stephens.
6 Mary Sheinfelt.
7 E. Milam.
8 J. Wicklens.
9 Thos. Hoops.
1100 J. K. Pardee.
1 J. R. Rush.
1102 Frank Crocker.
3 S. W. Dark.
4 Stephen Marks.
5 Jos. Bell.
6 H. J. Moore.
7 H. Horsley.
8 T. F. H. Morton.
9 Wm. Crabb.
1110 Fredk. Poll.
11 C. A. Benson.
12 E. A. Wall.
13 M. J. O'Farrell.
14 Jacob Ornstein.
15 Thos. H. Bates.
16 W. S. Callahan.
17 Wells Spicer.
18 S. G. Sheldon.
19 C. W. Tappan.
1120 Mary Hunter.
1 N. Osenlof.
2 E. A. Raleigh.
3 M. Ledenham.
4 Elizth. Hare.
5 John Mahon.
6 Mary A. Rockwood.
7 R. G. Lambert.
8 David Hunter.
9 J. R. Nichols.
1130 J. Bebee.
1 J. M. Morrison.
2 E. R. Shipp.
3 John Isaac.
4 G. A. Wiscombe.
5 W. H. Hughes.
1136 G. S. Farnes.
1137 P. P. Pratt.
1138 R. Pratt.
1139 T. Doyle.
1140 H. Truelson.
1 Harriet Fowler.
2 Wm. Hudson.

3 Jacob Alt.
4 C. Rasmussen.
5 C. Christiansen.
6 E. Coverton.
7 Joseph Walters.
8 Peter Elmer.
9 John Lamb.
1150 Harriet Howard.
1 Elvina Cahoon.
2 Mary Banks.
3 Margaret Foster.
4 Elizth. Hopwood.
5 Emma Miller.
6 S. Crown.
7 Sol. Sigel.
8 J. H. Wilbur.
9 S. J. Nathan.
1160 J. A. Lott.
1 Hy. V. Cox.
2 Alexr. Bogers.
3 M. H. McAllister.
4 J. Flulmer.
5 H. J. Foulger.
6 Harriet Hawkin.
7 Wm. Hopwood.
8 E. Woodford.
9 Richard Corbett.
1170 Wm. Burns.
1 Margtt. Wright.
2 Mary J. Desaules.
3 Mannetta Hughes.
4 Wm. Gorringe.
5 M. Brewer.
6 Philander Butler.
7 W. C. Joslyn.
8 A. Frame.
9 D. L. Davis.
1180 J. B. Lewis.
1 Nat. Taysurm.
2 H. Luff.
3 Jno. Yowrt.
4 C. M. Stephens.
5 Geo. Careless.
6 Edwd. Byrne.
7 T. B. Kent.
8 A. White.
9 H. Bohring.
1190 John Tuddenham.
1 John Lloyd.
2 T. W. Abraham.
3 Orson Pratt, jun'r.
4 C. Johnstone.
5 H. Johnstone.
6 W. H. Hocking.
7 J. H. Hudson.
8 Allen Hilton.
9 B. J. Stringham.
1200 C. McLaughlin.
1 W. Fenton.
2 J. A. McEwen.
3 Wm. Kingsbury.
1204 Emma Arnold.
5 C. Anderson.
6 Geo. Peterson.
7 Wm. H. H. Smith.
8 H. S. Eldredge.
9 James Glade.
1210 E. L. Daniels.
11 Morris Wilkinson.
12 W. D Newsom.
13 Margtt. Bowman.
14 M. Mattison.
15 Ann Elmer.
16 E. D. Wells.
17 A. M. Calder.
18 Lavinia Green.
19 C. Clive.
1220 E. Prebble.
1 Edwd. Steele.
2 G. F. Seely.
3 Wm. Campbell.
4 Jas. C. Livingston.
5 John H. Scott.
6 A. Oser.
7 E. Aubery.
8 H. Davis.
9 Mary Cook.
1230 A. Karmon.
1 E. Scheibes.
2 A. Foresell.
3 Ann Lewis.
4 Eliza Daymes.
5 D. H. Wells.
6 Mary Derrick.
7 D. S. Ranberg.
1238 J. F. Wilson.
1239 H. R. Wells.
1240 A. Harnon.
1 Mr. A. S. Gould.
2 June Spencer.
3 C. A. Gould.
4 Ann Horrock.
5 W. J. Smith.
6 A. A. Glen.
7 H. Carrigan.
8 M. Dunford.
9 M. J. Groo.
1250 L. Dobbs.
1 C. R. Horsley.
2 W. Priddie.
3 T. V. Williams.
4

5 Marie Judles.
6 Peter Cavanaugh.
7 A. E. Hyde.
8 O. A. T. Forssell.
9 John Wright.
1260 J. W. Fagen.
1 Charles Green.
2 Charles Read.
3 G. W. Dodge.
4 N. H. Lyon.
5 John Ginderup.
6 E. Spencer.
7 Susan Barrows.
8 Mary Hodson.
9 Louisa Horme.
1270 Isabella Love.
1 E. A. Reading.
1272 W. B. Childs.
3 Joshua Jacobs.
4 A. J. Hawley.
5 J. W. Drew.
6 H. W. Naisbitt.
7 Ralph Ramsay.
8 J. Jamison.
9 E. Tufts.
1280 T. C. Pattey.
1 J. Jenson.
2 J. P. Scheib.
3 J. H. Means.
4 P. Gillispie.
5 E. Kahn.
6 P. Rheinbold.
7 Sarah McCormic.
8 Margtt. Hunt.
9 Mrs. Carlisle.
1290 Isaac Marks.
1 Thos. L. Moore.
2 Wm. Read.
3 Ann Paul.
4 Ann W. Paul.
5 Preston Free.
6 Hugh Henderson.
7 Nathan Meads.
8 Geo. Stringfellow.
9 Henry Bayne.
1300 G. L. Tucker.
1 Eliza Frost.
2 W. C. Gregg.
3 D. C. Tufts.
4 O. Stanberg.
5 Edwd. Brain.
1306 Franklin Brain.
1307 C. Scofield.
1308 Thos. Williams.
1309 Mary Boyle.
1310 Jno. C. Graham.
11 Wm. Morrow.
12 Ed. Scrace.
13 W. A. Wood.
14 John Mattleson.
15 Wm. J. West.
16 E. B. Ramsay.
17 E. S. Ramsay.
18 Mary N. Patrie.
19 Eliza Lees.
1320 Mrs. J. Lingol.
1 E. W. Jones.
2 Lewis Kohn.
3 J. W. Single.
4 Wm. Paul.
5 Ann Calder.
6 Patrie Marley.
7 W. H. Perkes.
8 Thos. McIntire.
9 A. Rawlings.
1330 A. Cowley.
1 Mary A. Tester.
2 John McRae.
3 J. M. Salisbury.
4 Jos. Shaw.
5 B. F. Terry.
6 A. M. Farnsworth.
7 M. J. O'Connor.
8 Ann Glen.
9 Ann Dobie.
1340 H. Trunt.
1 John Mikeser.
2 R. Goodridge.
3 E. Siegel.
4 Hans Oakenson.
5 Archibald Livingston.
6 John Rich.
7 Wm. Longstroth.
8 Nephi B. Stephenson.
9 A. A. Savage.
1350 Alexr. Watson.
1 C. S. Hammer.
2 Geo. Mallett.
3 Frank Bero.
4 Sarah A. Hardy.
5 W. T. Ayland.
6 Jas. Archer.
7 M. A. Lewis.
8 Emma Neve.
9 Mary Redell.
1360 J. Jacobson.
1 C. Peterson.
2 H. Heilbrother.
3 Wm. Taylor.
4 Sarah Barton.
5 Levi Garrett.
6 J. P. Thompson.

7 Margt. Jones.
8 Walter Grimes.
9 Jane Rigley.
1370 Antoine King.
1 J. P. Taggart.
2 Chas. Lutz.
3 John Murphy.
1374 Sarah Carloss.
5 M. J. Clay.
6 Geo. Stringham.
7 Samuel Stringfellow.
8 John Cook.
9 Jas. Brown.
1380 Sarah J. Sears.
1 Mary A. Moss.
2 Wm. Nettle.
3 M. Bergstrom.
4 Margtt. Hogan.
5 Edwin Johnston.
6 Emil Buttkowsky.
7 Jane White.
8 Ruth V. Sayers.
9 Mary Mortimer.
1390 Josephine Wineberg.
1 Emma Price.
2 Martha Shemeld.
3 Maria De Gray.
4 F. H. May.
5 J. B. Lewis.
6 Ezra Cummings.
7 H. Workman.
8 A. F. Doremus.
9 W. W. Camp.
1400 Manley Barrows.
1 F. Cisley.
2 S. Anderson.
3 Ann Stopher.
4 A. C. Peterson.
5 John Cook.
6 Neils Rosengrew.
7 Elizabeth Owens.
1408 Mary Dawson.
1409 Robert Fryer.
1410 Lars. Anstrom.
1411 A. E. Culmer.
1412 (Erased.)
1413 M. J. Roache.
1414 W. Carver.
1415 E. Cooper.
1416 S. P. Crompton.
1417 Methiah Lindsey.
1418 P. J. Forey.
1419 Alice Gunn.
1420 Juliah H. Thomas.
1 Julia Wilson.
2 W. S. Cook.
3 Frank Chorpening.
4 R. Newton.
5 M. A. Ramsay.
6 Susan Cheshire.
7 Earnest Young.
8 Zina D. Jacobs.
9 Zina Williams.
30 Thos. Showell.
1 Ann O. Burt.
2 H. B. Clawson.
3 Wm. Herman.
4 Ann Owens.
5 Jno. R. Clawson.
6 L. W. Irons.
7 Hy. Brunton.
8 Louisa Gorringe.
9 Elizth. Greeve.
1440 W. H. Bess.
1 Geo. Dent.
1442 Ellen Thomas.
3 Rachael Williams.
4 Bathsheba Smith.
5 Susan E. Smith.
6 Walter Wiscombe.
7 Wm. Reese.
8 Mary Peck.
9 P. Hewlett.
1450 S. A. Conrad.
1 R. F. Neslin.
2 Willis Brown.
3 S. W. Sears.
4 Alexr. McRae, sen'r.
5 Charles McRae.
6 Maria Thompson.
7 C. Thomassen.
8 Phœbe Anderson.
9 Amasa Lyman.
1460 J. L. Hale.
1 J. M. Hammer.
2 R. A. Baird.
3 Maggie Baird.
4 Sarah Young.
5 Ann Young.
6 Fanny Oliver.
7 Selina Hall.
8 Christiana Rasmussen.
9 John Metz.
1470 Caleb World.
1 John Sears.
2 H. Hampton.
3 John Gibson.
4 W. H. Tremain.
5 Edward Foster.
1476 Eliza S. Dunford.
1477 Caroline Erickson.
1478 Vilate Angel.

1479 C. C. Doneldson.
1480 Mary Williams.
1 Elanor Squires.
2 Fanny Bishop.
3 Jane Baldwin.
4 Lorenzo D. Young.
5 E. Young.
6 Louisa L. Greene.
7 Hannah Greene.
8 John Y. Greene.
9 Hiram Cannon.
1490 M. J. White.
1 M. M. Mann.
2 M. Adams.
3 Jane Fowler.
4 Eliza Atkinson.
5 Chas. Denney.
6 Fred. May.
7 Margtt. Jones.
8 Elizth. Leavitt.
9 H. C. Madson.
1500 Bertha Leonard.
1 Elizth. Gardener.
2 Jane Mallett.
3 H. Wells.
4 J. C. Hughes.
5 Chas. Taylor.
6 Geo. Naylor.
7 H. Covey.
8 C. M. Doneldson, sen'r.
9 Benjn. Gunn.
1510 Mary Hunter.
11 A. Smoot.
12 J. P. Sharp.
13 H. Sharp.
14 M. A. Clive.
15 M. Cahoon.
16 K. Mahoney.
17 Dudley Sale.
18 H. S. Coombes.
19 C. Vincent.
1520 E. Gabott.
1 A. Vincent.
2 Jane Randle.
3 Michael Murphy.
4 H. C. Goodspeed.
5 O. G. Sawyer.
6 Thos. Vincent.
7 Thos. H. Wright.
8 S. E. Greeley.
9 D. W. Leaker.
1530 E. Holling.
1 Eliza Smith.
2 Louisa Lurgenstrown.
3 M. B. Shipp.
4 F. Smith.
5 E. Shoebridge.
6 S. Brazier.
7 A. Mouser.
8 Mary Davis.
9 E. Winterton.
1540 Wm. Davis.
1 Wm. Whitley.
2 E. Morris.
3 Mary Baker.
1544 Wm. H. Groves.
5 Fred Anderson.
6 Jas. Patterson.
7 Jas. Evans.
8 David Walker.
9 Jno. S. Davis.
1550 Harriet Heath.
1 C. S. Spears.
2 Virtue Clift.
3 Harriet Willis.
4 Ellen Clawsen.
5 Margtt. Caine.
6 Geo. Butcher.
7 John D. Dailey.
8 S. D. Connor.
9 J. Jacques.
1560 John Mantle.
1 Eizth. J. Dusette.
2 Thomas Adamso.
3 P. Williams.
4 Jemima Midgley.
5 Mary Holkom.
6 H. A. Holkom.
7 Kate Naisbitt.
8 M. A. Naisbitt.
9 Ellen Benson.
1570 J. Coult.
1 Jabez Dangerfield.
2 Wm. Benzon.
3 Mary Lynch.
4 E. Lindsay.
5 Margtt. McMaster.
6 Orson O. Heath.
7 Sarah Howlett.
1578 Mary J. Spencer.
1579 Sarah Rembles.
1580 Jemima Hough.
1 G. M. White.
2 S. Aubery.
3 Albert Angle.
4 Geo. Harrison.
5 Chas. Stephens.
6 Geo. Vine.
7 E. Elsworth.
8 J. H. Picknell.

9 B. G. Guiver.
1590 E. Spencer.
1 Jennette Johnstone.
2 Ebenezer Miller.
3 J. C. Cutler.
4 W. C. Dunbar.
5 Chas. W. Reiger.
6 D. B. McGee.
7 Wm. Peterson.
8 Peter Hannibal.
9 G. W. Perry.
1600 Olive Marks.
1 Wm. Dickenson.
2 A. L. Parry.
3 Jane Wiscombe.
4 E. Wiscombe.
5 J. R. Turbett.
6 W. O. Barnes.
7 Chas. Sansom.
8 Owen J. Morgan.
9 Elizth. Wilcox.
1610 Z. W. Derrick.
11 Phœbe Erans.
1612 Wm. T. Vincent.
13 Mrs. J. P. Miller.
14 Mrs. E. L. Southworth.
15 Walter Bowen.
16 W. J. Collier.
17 A. Hysum.
18 J. M. Moore.
19 Stephen Hales.
1620 Jos. Edwards.
1 Loe Larson.
2 Sophia Hannibal.
3 Aurelia C. Myer.
4 J. A. Livingston.
5 Emma Clinton.
6 Wm. Bowman.
7 M. A. Malin.
8 M. H. Beardsley.
9 B. F. Cummings.
1630 Saml. Malin.
1 Mary Guiver.
2 Henry A. Baker.
3 A. Naylor.
4 Wm. Naylor.
5 Jane C. Young.
6 Ann Morris.
7 Susan Perkins.
8 A. R. Wright, jun'r.
9 H. P. Kimball.
1640 H. C. Miller.
1 Amelia Pike.
2 James Cedel.
3 Alexr. Edwards.
4 H. Snow.
5 M. E. Lyon.
1646 Wm. Bushnell.
7 C. P. Turner.
8 M. A. Brain.
9 Annie Brain.
1650 Jane Stringfellow.
1 G. E. Stringfellow.
2 Fredk. Myer.
3 H. D. Folsom.
4 C. Anderson.
5 Archibald Erskine.
6 Wm. Taylor.
7 Jane Williams.
8 A. J. Durnford.
9 Wm. Cook.
1660 Eliza Tompson.
1 Thomas Smith.
2 Ann Willes.
3 Wm. H. Ashton.
4 Ruth Keizer.
5 R. N. Baskin.
6 Wm. Broomhead.
7 Rufus Patrick.
8 Edward Hepner.
9 S. J. Jonassen.
1670 C. T. Lawson.
1 Frances Smith.
2 R. Tibbetts.
3 Jas. Harvey.
4 John Oswell.
5 Alfred De Gray.
6 Thos. C. Scott.
7 Alice Cox.
8 M. E. Northew.
9 Hugh Raddle.

Total No. of votes, sixteen hundred and seventy-nine.

This is to certify that the within list is correct to the best of ou knowledge.

L. W. HARDY,
JOS. E. TAYLOR, *Clerk.*

9.—EXHIBIT No. 6.—*Poll-list of Sugar House precinct.*

ɜ Hugentobler.	50 James Driggs.
Johnston.	51 Francelle E. Robson.
ɔrnwell.	52 William Cuffley.
B. Latham.	53 Lucy L. Vancott.
ıh Conk.	54 John Vancott.
ɔnk.	55 Solomon Pry.
ʔ. Conk.	56 Caroline Vancott.
H. Conk.	57 W. C. A. Smoot.
ıambert.	58 C. I. Robson.
; R. Tubman.	59 Jacob Gibson.
ıs Howard.	60 Lowesa Hugentobler.
Van Horn.	61 Elizabeth Cummings.
ı Jenkins.	62 Hanah Cummings.
ry Jenkins.	63 J. W. Cummings.
Dunstard.	54 Sarah Ann Rowley.
ɜ Stringham.	65 Edward White.
Iennsly.	66 M. Stuts.
eth Hemsly.	67 M. J. Cummings.
Dunstard.	68 E. Jones.
Ann Groves.	69 Leander King.
ı P. Trim.	70 Elam Ludinton.
Young.	71 Margaret Hemsly.
et Young.	72 Edward Hemsly.
Woodruff.	73 Sarah A. Snow.
Pearce.	74 Willard Snow.
m Clark.	75 John Richies.
s Clark.	76 Charlotte Ludington.
lark.	77 Benjamin Ashworth.
ıh I. Young.	78 James McGhie.
Hodgson.	79 W. H. Hague.
ɜ Winnigbeck.	80 Matilda E. Wagstaff.
Bollwinkell.	81 William Wagstaff.
Wheeler.	82 John Groves.
d Wheeler.	83 Susan Rockwood.
Latham.	84 Betsey Bollwinkell.
ɔn Eldredge.	85 W. H. Staker.
ıdredge.	86 W. P. Vance.
ıs Morris.	87 Ann Vance.
ıh Morris.	88 William Burton.
Stringham.	89 Louis Mousby.
Ann Janes.	90 Mary A. Mousby.
Janes.	91 William P. Mousby.
Jane Ellison.	92 Ann Mousby.
ne Fjeltsted.	93 Margret F. Mousby.
Trim.	94 Charles Capson.
ıambert.	95 Apolis Drigs.
L. Cannon.	96 Oliver Free.
ıe Winnigbeck.	97 Peter Hansen.
Fisher.	98 John Gardner.

eby certify that this is a correct report of the election of Sugar ɔcinct.

JACOB GIBSON.
CHAS. I. ROBSON, *Clerk.*

No. 10.—EXHIBIT No. 7.—*Poll-list of Mill Creek precinct.*

1 Cornelius Green.
2 William Pike.
3 Robert Pike.
4 William Pike, jun.
5 George Hilton.
6 John Ross.
7 Mary Williams.
8 Elizabeth Grant.
9 Thomas G. Humphrey.
10 Richard Hemsley.
11 George Walton.
12 Hanna Walton.
13 Jane Walton.
14 Mary Walton.
15 Thomas Walton.
16 John R. Davis.
17 Andrew J. Rynearsen.
18 Mary Olney.
19 Washington Lemmon.
20 Richard M. Humphrey.
21 Tamer Lemmon.
22 Artemizie C. Lemmon.
23 Melecie M. Lemmon Smith.
24 Sharlott S. Murphy.
25 Ann Walters.
26 Mary E. Lemmon.
27 Almira A. Humphrey.
28 Livina Murphy.
29 Levi North.
30 Amintia North.
31 Martha J. Jackson.
32 Mary C. North.
33 Marari North.
34 Thomas B. Jackson.
35 Eli Robinson.
36 John Humphrey.
37 John P. Wright.
38 David J. Davis.
39 John Herbst.
40 Hanah Herbst.
41 Thomas Jenefer.
42 Sariah Jenefer.
43 Daniel Lunn.
44 Ann Lunn.
45 Margaret M. Blith.
46 Carm Christiansen.
47 Christinia Green.
48 Johana Jensen.
49 Margret Green.
50 Elizabeth Gates.
51 Thomas Green.
52 Betsy Gates.
53 Mary Davis.
54 John R Holt.
55 Sopha Holt.
56 Mary Robinson.
57 Maren Petersen.
58 Isabel Stutz.
59 James L. Hambleton.
60 Joseph Hambleton.
61 George Rhodes.
62 William H. Rhodes.
63 Isabell Walton.
64 John Walton.
65 William Park.
66 Edward Fairbourn.
67 John Kilpack.
68 Eliza A. Fairbourn.
69 Oscar Mann.
70 Martha Mann.
71 Richmond Lowder.
72 Emeley C. Lowder.
73 Estrine Lowder.
74 William Luck.
75 James Rawlins.
76 Eliza A. Luck.
77 Elizabeth Murphy.
78 Sarah Alaxander.
79 Grace Murphy.
80 Sarah Murphy.
81 Margret Henry.
82 Eve M. Dening.
83 Agness Henry.
84 Mary E. Murphy.
85 John A. Hill.
86 Thomas W. Russell.
87 Thomas Boam.
88 James Petersen.
89 Elizabeth A. Russell.
90 Elizabeth Boam.
91 Jence Hansen.
92 Kirsten Hansen.
93 Beirthe Hansen.
94 Larse Jensen.
95 Mary E. Jensen.
96 Thomas Boam, jun.
97 Christina McRaye.
98 Rodah A. Miller.
99 Ann Miller.
100 Charles Rynearsen.
101 Elizabeth Pallic.
102 Orvel B. Hendricksen.
103 Sariah Howard.
104 Sariah A. Casper.
105 William H. Hill.
106 James Walters.
107 Elizabeth A. Hill.
108 John Carlisle.

109 Mary C. Hill.
110 Susanah Walters.
111 Christian Sorensen.
112 Elizabeth Carlisle.
113 Ingabor Erikson.
114 Caroline Erikson.
115 Mary Hansen.
116 Neils Madsen.
117 Hanah Madsen.
118 Alexander H. Hill.
119 Margret A. White.
120 Ann Rynearsen.
121 Cris. Jensen.
122 Daniel McRaye.
123 Jacob Jensen.
124 Samuel Wells.
125 Sariah A. Ross.
126 Sarah Wells.
127 William Bowden.
128 John Tyler.
129 Mary McAlister.
130 Jennet McAlister.
131 Andrew Jensen.
132 Ann Morgan.
133 Christema Morgan.
134 Lorenzo Stuttz.
135 William H. McFarlane.
136 George M. White.
137 Barnard Evens.
138 Sarah McFarlane.
139 Sarah J. McFarlane.
140 James McFarlane.
141 Daniel McAlister.
142 James Bensen.
143 Ephram H. Williams.
144 William S. Cowley.
145 John M. Cook.
146 Herbet Robinson.
147 Andrew Robinson.
148 Richard M. Carlisle.
149 John D. Park.
150 Andrew Park.
151 Hugh D. Park.
152 William D. Park.
153 James T. Walters.
154 James Carruth.
155 David Park.
156 Joseph D. Park.
157 Dunkin Park.
158 Jennet Park.
159 Jane Park.
160 Mary Park.
161 Mary Carlisle.
162 Hannah Wright.
163 Gaden Murphy.
164 Jesse Murphy.
165 Ruben Waters.
166 Matilda Murphy.
167 Loise Haisey.
168 Hyrum Murphy.
169 James Hansen.
170 Olever P. Lemmon.
171 Alexander Hill.
172 Alfred Lemmon.
173 Charles G. Humphrey.
174 Charles A. North.
175 Albiertema J. North.
176 Pauline Hill.
177 Thomas Green, jr.
178 Ann Green.
179 Elizabeth Burnett.
180 Henry Liversage.
181 John Cook.
182 Marshal Helm.
183 Enock Pugbe.
184 Horace Miller.
185 Jane Miller.
186 Joseph Helm.
187 Samuel Helm.
189 William Durrant.
190 Joseph Cornwell.
191 Sharbott Cornwell.
192 Henry Bowden.
193 Mary Samuels.
194 Emmey J. Bowden.
195 Isabell Wright.
196 Sarah F. Bowden.
197 Mary Calder.
198 George Calder.
199 William Leak.
200 Miriam Leak.
201 Aaron Young.
202 Charles Sheppard.
203 Mary Ann Sheppard.
204 William Smith.
205 Philip Edwards.
206 Mary A. Edwards.
207 George Hansen.
208 Francis Hansen.
209 James Bell.
210 Elizabeth Snedaker.
211 Hannah L. Bell.
212 Sarah A. Snedaker.
213 Elizabeth Birch.
214 Mary A. Birch.
215 Francis Birch.
216 Joseph Carlisle.
217 Levi H. North.
218 Ann M. North.
219 Thomas Davis.
220 Sarah A. Davis.
221 Samuel L. Howard.

222 John C. Hamblton.
223 James C. Hamblton.
224 Elizabeth Davis.
225 Isabell Carlisle.
226 Sarah J. Howard.
227 Mary A. Hamblton.
228 Elizabeth H. Park.
229 Jane A. Park.
230 Agness H. Park.
231 Caroline M. Hamblton.
232 Abraham Helm.
233 George Taylor.
234 Mary Helm.
235 Lucie Taylor.
236 George B. Bailey.
237 Carn Larsen.
238 Sophia Larsen.
239 Maria Hamblton.
240 Andrew Horner.
241 Jane Horner.
242 Charles Bolton.
243 Emma Hill.
244 Reuben Miller.
245 Jackson Bolton.
246 Nancy Jackson.
247 Loise Morgan.
248 Edward Morgan.
249 Sophia Morgan.
250 Charles Halford.
251 Joseph Hughley.
252 Susan Halford.
253 Margret Edwards.
254 John W. Scott.
255 Ashel Fuller.
256 Mary Jane Fuller.
257 Oliver Mowson.
258 Ellen Halford.
259 Ruben P. Miller.
260 George A. Williams.
261 William W. Merrell.
262 Benjaman B. Akin.
263 Mary Mawson.
264 Benjaman M. Harman.
265 Charles Spencer.
266 Morris Palmer.
267 George Harman.
268 Edward Lever.
269 Horace N. Ensign.
270 Hans F. Hansen.
271 Edward Jussop.
272 Robert Harman.
273 Ann Harman.
274 Margret Spencer.
275 Hannah Walton.
276 Hanse Jepeson.
277 William Cornwell.
278 Ames B. Fuller.
279 Aramintia Fuller.
280 Joseph Jackson.
281 Elizabeth Jackson.
282 Jane Hill.
283 William W. Casper.
284 Hans Peterson.
285 John F. Snedaker.
286 John Morgan.

We, the undersigned, do hereby certify that this poll-book contain correct list of the names of persons who voted at the annual electi August 5, 1872, in Mill Creek precinct, Salt Lake County, Utah.

JOHN F. SNEDAKER, *Judge*
JOHN MORGAN, *Clerk.*

No 11.—EXHIBIT No. 8.—*Poll-list of Big Cottonwood precinct.*

1 Francis McDonald.
2 Zenobia McDonald.
3 D. I. Brinton.
4 B. B. Bitner.
5 Polley Cowley.
6 Richard Cowley.
7 Siney Lewis.
8 Joshua Robinson.
9 Sarah Maria Robinson.
10 Mons Lassen.
11 Sante Anna Casto.
12 Elizabeth Brookes.
13 Ann Andrews.
14 Charles Bagley.
15 Neiles Peterson.
16 Ann Dorathy Peterson.
17 Bertha Marie Peterson.
18 Olena Gunderson.
19 Wm. Howard.
20 Peter Rank.
21 Ann Rank.
22 Sarah Jane Rank.
23 Henry M. Bridges.
24 Samuel Bradhurst.

25 Barbara Bridges.
26 John Jacob Smith.
27 Amy Smith.
28 Berka Bradhurst.
29 Elizabeth D. Williams.
30 James Williams.
31 Peter C. Olsen.
32 Caroline Olsen.
33 Julian Moses.
34 Isaac Moses.
35 Edward Baynham.
36 Catharine Baynham.
37 Joseph Sharpler.
38 Wm. J. Ince.
39 Peter Neff.
40 Ole Peterson.
41 Christiana Peterson.
42 Margarett Ince.
43 Duritha Lewis.
44 Rachaline Casto.
45 Ann Casto.
46 Asahel G. Talcott.
47 John Pratt.
48 Nancy Whitford.
49 Hans Halverson.
50 Cristena Hullinger.
51 Ole Vederberg.
52 Ellen Vederberg.
53 Francis Pettler.
54 Ann Pettler.
55 James Taylor.
56 Margarett Wayman.
57 Joseph Follett.
58 Synthya R. Follett.
59 Joseph E. Morris.
60 Sarah W. Morris.
61 Charles Stillman.
62 Elizabeth Stillman.
63 Joseph Follett, jr.
64 Isaac Furgeson.
65 Sarah Furgeson.
66 Ann Bowlden.
67 Rose Hawkee.
68 Jane Chase.
69 Jane Wilson.
70 Richard Bowlden.
71 Roxsena R. Adams.
72 Harriett W. Brinton.
73 Elizabeth Howard.
74 Hilda M. Brinton.
75 Milly Collester.
76 Julia Bayley.
77 Jedediah G. Heninger.
78 Martina Bitner.
79 Christian Peterson.
80 Cenia Peterson.
81 Joseph H. Brinton.
82 Andrew Jacobson.
83 Lars Larsen.
84 Sophia Larsen.
85 Hosea Stout, jr.
86 Wm. Taylor.
87 D. S. Casper.
88 Thomas Gunderson.
89 Louis Cristenson.
90 Anne J. Cristenson.
91 Andrew Oakeson.
92 Lavina Harper.
93 Elizabeth Boyse.
94 Mary Ann Blair.
95 Custia Olson.
96 Smith Covert.
97 Wm. S. Covert.
98 Mary Covert.
99 Ruth Covert.
100 George Bayer.
101 Harrison Blair.
102 John Osguthorp.
103 Sarah Skidmore.
104 Lydia Osguthorp.
105 Jane Taylor.
106 Phebe Taylor.
107 Mary Ann Bowthorp.
108 Harriett Casper.
109 Esther Pratt.
110 Wm. Drage.
111 Martin Larsen.
112 Martin Anderson.
113 Lene Anderson.
114 Martin Loronson.
115 Genee Cristian Monson.
116 Carl C. Nealson.
117 Elizabeth Monson.
118 Mary Neilson.
119 John Holmes.
120 Mary Bateman.
121 Charlotte Lavender.
122 C. D. Brinton.
123 Peter Henyson.
124 Mathew Templeman.
125 Mary Ann Brockbank.
126 Ellen Sutherland.
127 Henry Debenham.
128 Sarah Debenham.
129 Henry J. Longmore.
130 Jane Longmore.
131 Maria Howard.
132 Andrew Trane.
133 Hannah Trane.
134 Preston Lewis.
135 Virtue Ann Lewis.
136 Lorenzo F. Harman.

137 Rosina T. Harmon.
138 Henry Chandler.
139 Martha Chandler.
140 William Lark.
141 Gustave Neilson.
142 Peter Swensen.
143 Cristina Neilson.
144 Martha Ann Swenson.
145 John Johnson.
146 Britia Johnson.
147 Caroline Capson.
148 Engre Capson.
149 Matilda Capson.
150 P. C. Neilson.
151 Olena Neilson.
152 Sarah Ann Bitner.
153 Jane Templeman.
154 Alander DeWitt.
155 Mary Drage.
156 Margaret DeWitt.
157 Mary Holmes.
158 Halver Severson.
159 Martha Severson.
160 George W. Smith.
161 George Coleman.
162 Sarah Lewis.
163 Elizabeth Coleman.
164 Catherine Smith.
165 Frederick Hanson.
166 Amelia Hanson.
167 Wm. Taylor.
168 M. P. Rasmusson.
169 J. J. Swoon.
170 Helena Gustava Swoon.
171 John Haslem.
172 Sarah Ann Haslam.
173 Ann Haslem.
174 David B. Brinton.
175 Robert Hawker.
176 Jane Henryson.
177 Alva Alexander.
178 Andrew Hentze.
179 Sophia Hentze.
180 Hans Johnson.
181 Catharine Alexander.
182 Actiea Farr.
183 Chastina Heninger.
184 Alva Keller.
185 Maria Keller.
186 Eliza Keller.
187 John Capson.
188 Sarah Granger.
189 Henry C. Jones.
190 Gipson Rank.
191 Charles Capson.
192 Amos H. Neff.
193 Francis M. Neff.
194 Fidelia Benedict.
195 Franklin Neff.
196 Catherine Neff.
197 Ann Eliza Neff.
198 Mary Neff.

We, the undersigned, hereby certify that the foregoing returns a correct.

B. B. BITNER, *Judge.*
D. BRINTON, *Clerk.*

No. 12.—EXHIBIT No. 9.—*Poll-list of South Cottonwood precinct.*

1 Otis Terry.
2 William Merrell.
3 William Kelly.
4 Joseph Thompson.
5 Sarah Merrell.
6 Elizabeth Richards.
7 Peter Erekson.
8 Elijh Elmer.
9 Jones Erekson.
10 Daniel J. Weavealing.
11 James Gallyer.
12 Honur Gallyer.
13 Merrion Brady.
14 Joseph Griffith.
15 Jane Taylor.
16 Lucy Brady.
17 Richard How.
18 William Turner.
19 Ann Turner.
20 Ann How.
21 Silas Richards.
22 Richard Taylor.
23 H. W. Brown.
24 S. A. Brown.
25 Richard Morgan.
26 Richard Middlenton.
27 Christian Stephenson.
28 Dugal Adamson.
29 Alexander Adamson.
30 Ann Adamson.

31 Tildah Smith.
32 Frederick Bishop.
33 Nicholas Anderson.
34 Daniel Welsh.
35 Ann Welsh.
36 Supora Welsh.
37 Feargus Lester.
38 Sarah Jane Lester.
39 Thomas Arnold.
40 Adderline Arnald.
41 Thomas Walker.
42 Henry Walker.
43 Mariah S. Walker.
44 James Cook.
45 Benjimin Right.
46 Eliza Right.
47 Mahala Right.
48 John Fowlks.
49 Mary Ann Fowlks.
50 John Fowlks, junior.
51 Robert Pate.
52 Mary Pate.
53 Ezra Pate.
54 Nathaniel Jackson.
55 Thomas Labrum.
56 John Maxfield.
57 William Reading.
58 James C. Peterson.
59 Ishmule Phillps.
60 John H. Walker.
61 Mary Erekson.
62 Charles Wilkins.
63 John Maxfield.
64 Willis Smith.
65 Jobe Welsh.
66 A. Buttler.
67 Samemele Smith.
68 George Labrum.
69 John Labrum.
70 Mickel McMullin.
71 William Wootton.
72 Henry Attwood.
73 A. W. Stickney.
74 Deidami Attood.
75 George Howard.
76 Simeon Attood.
77 Fany Attwood.
78 Isabele Bennett.
79 Elizabeth Davis.
80 Charles Hiser.
81 William Boyse.
82 Alonzo T. Attood.
83 Elizabeth Attood.
84 Phebe Brown.
85 B. H. Brown.
86 C. B. Atwood.
87 Luesa Atwood.
88 Warren F. Reynoles.
89 John S. Humphries.
90 John Reynoles.
91 Olous Johnsen.
92 Ann Johnsen.
93 Pauline Johnsen.
94 Peter Nahpel.
95 Daniel Jones.
96 Sarah Jones.
97 Francis Cundick.
98 Ruth A. Dispain.
99 Johan Peter Johansen.
100 Sondra Sanders.
101 Ann Sanders.
102 N. R. Tindahl.
103 Rasmis Nelson.
104 Benti Nelson.
105 Elizabeth Olsen.
106 Jane Panther.
107 Christian Stofer.
108 Mary Howard.
109 Christiena Chistina.
110 Thomas A. Whealer.
111 Ann Whealer.
112 S. D. Huffaker.
113 Elizabeth M. Huffaker.
114 Elizabeth A. Huffaker.
115 Mary R. Baker.
116 Emma Bennett.
117 Margrett Tanner.
118 Elizabeth Bussel.
119 Nathan Tanner, junior.
120 L. A. Huffaker.
121 Christian Burger.
122 Magdiline Burger.
123 Magdiline Burger, junior.
124 R. J. Kenner.
125 R. Green.
126 John Benlow.
127 Robert McDonnal.
128 Elizabeth Wootton.
129 Jane Elizabeth Butler.
130 Rosetta W. Benlow.
131 Mary A. Benlow.
132 Jane Labrum.
133 John G. Williams.
134 Epahrem Crossley.
135 Henry Bird.
136 Thomas Birch.
137 Sarah Birch.
138 Rawsel Bradford.
139 Jane Bradford.
140 Dyre Anunsen.
141 E. M. Erekson.
142 William Clark.

143 Richard Gilbert.
144 James Gilbert.
145 Athaliah Gilbert.
146 Amelia Lorson.
147 Elizabeth Gilbert.
148 Mary E. Gilbert.
149 Joshua Bennett.

S. RICHARDS, *Judge.*
RICHARD TAYLOR, *Clerk.*

No. 13.—EXHIBIT No. 10.—*Poll-list of Draper precinct.*

1 William Green.
2 Jane Green.
3 Ellen Green.
4 Joel Terry, jr.
5 Robert Walker.
6 George Terry.
7 F. M. Allen.
8 Elizabeth Howard.
9 Josiah Cotten.
10 Isack M. Stewart.
11 J. J. C. Reid.
12 Elizabeth Reid.
13 Robert Shipley.
14 Powel Johnson.
15 Joseph Terry.
16 Norman Brown.
17 Hannah Vawdrey.
18 R. M. Rogers.
19 Lavina Rogers.
20 Augusta Rogers.
21 Catharine Rogers.
22 William L. Allen.
23 Ann Rideout.
24 A. J. Allen.
25 Louisa Allen.
26 Anne Brown.
27 Phebe Orgill.
28 Jame Skausen.
29 Maria Skausen.
30 Charles Burnham.
31 Matilda Stewart.
32 Julia Stewart.
33 R. A. Nelson.
34 Ebenezar Brown.
35 Harriet Green.
36 Lareto Smith.
37 J. Z. Stewart.
38 Albert Smith.
39 Emma Terry.
40 Cinda Rideout.
41 Elizabeth Stewart.
42 Mary L. Pratt.
43 Thomas Vawdrey.
44 Sarah Stocks.
45 Moroni Stocks.
46 Hannah Peterson.
47 Neils Boberg.
48 Caroline Boberg.
49 Benjamin Green.
50 A. W. Smith.
51 Russel Pratt.
52 Hannah Cotten.
53 Aaron Sheppard.
54 Franklin Johnson.
55 Sarah A. Fitzgerald.
56 John Fitzgerald.
57 Mannasseh Fitzgerald.
58 Nancy Allen.
59 Henrieta Allen.
60 Ellen L. Stokes.
61 Fanny Botler.
62 James Allen.
63 Phebe Brown.
64 Lavina Brandon.
65 Samantha Brown.
66 Elizabeth Draper.
67 Carl F. Hendriksen.
68 Henry Piersen.
69 Sarah Piersen.
70 Margret Terry.
71 A. K. Hanson.
72 Aurilla Hanson.
73 Henry Day.
74 Joseph S. Rawlins.
75 Christian Michlesew.
76 George W. Bankhed.
77 Joseph C. Gardner.
78 Jeremiah Stokes.
79 Perry Fitzgerald.
80 John Ennis.
81 Elizabeth Ennis.
82 John P. Wright.
83 Mary Wright.
84 Susanna Wright.
85 A. L. Root.
86 Lars Rasmusser.
87 Christiana Rasmusser.
88 Elizabeth Day.

89 Catherine Smith.
90 Agnes Fitzgerald.
91 Melissia Johnson.
92 David Pulsipher.
93 William Bolter.
94 James W. Taylor.
95 C. Robison.
96 J. Goodrich.
97 Sigh Lovren.
98 Thomas Stokes.
99 John M. Park.
100 Emma Smith.
101 Louisa Smith.
102 Mary Ann Smith.
103 Mary Terry.
104 Hannah Rawlins.
105 James Jordensen.
106 Margret Smith.
107 John Heward.
108 Joshua Terry.
109 David Terry.
110 John Terry.
111 P. A. Hitwiensen.
112 James Green.
113 Ann Walker.
114 Eliza Barker.
115 Jane Allen.
116 Charles Peterson.
117 Rasmus Ohlson.
118 William C. Allen.
119 Sise Olsen.
120 James Lallimer.
121 James Vincent.
122 Peter Larsen.
123 George Syme.
124 Ellen Larsen.
125 Mabold Peterson.
126 Neils Swenson.

This is to certify that this is a true copy of the election held in Draper.

JOSHUA TERRY,
Justice of the Peace.
JOHN HEWARD, *Clerk.*

No. 14.—EXHIBIT No. 11.—*Poll-list of West Jordan precinct.*

No.	Names.
1	Archibald Gardner.
2	Robert Ellwood.
3	George Shields.
4	Wm. Dowding.
5	John Leake.
6	Marin Leake.
7	William Bailey.
8	James F. Turner.
9	Thomas Allsop.
10	William Aylett.
11	Martha Dowding.
12	Ann Turner.
13	Elizabeth Elwood.
14	James Higgins.
15	Mochalu Higgins.
16	P. O. Poulson.
17	Betsy Poulson.
18	Richard Clarke.
19	Sarah Ellen Clarke.
20	John Irving.
21	Elizabeth Irving.
22	Ann Rewons.
23	John W. Irving.
24	Duman Gardner.
25	Sarah J. Gardner.
26	Hannah Dowding.
27	Amelia Mills.
28	Althea Thompson.
29	Abbey Bradford.
30	Emma Merrett.
31	Emma Lamaster.
32	Samuel Merrett.
33	Robt. Lancaster.
34	James Bateman.
35	Emily Bateman.
36	Samuel Bateman.
37	Marrinda Bateman.
38	Harriet Egbed.
39	Jacob Malmstrom.
40	Isaac Goff, jun.
41	Pelin Malmstrom.
42	Ann Goff.
43	John Malmstrom.
44	Matilda Malmstrom.
45	Olricha Hansen.
46	N. Hansen.
47	William Newel.
48	Rebecca Newel.
49	John Hardcastle.

50 J. Emma Hardcastle.
51 James Brown.
52 Emily Brown.
53 David Dowding.
54 William Leake.
55 C. D. Haur.
56 Sarah Haur.
57 William Turner.
58 Elizabeth Turner.
59 Benjamin Cutler.
60 Ann Sarah Cutler.
61 Isaac Harrison.
62 Catherine Harrison.
63 Sarah Smith.
64 Marin Egbert.
65 Hannah Aylett.
66 Louisa Petty.
67 Emma Egbert.
68 Aloine Bexsted.
69 Sarah Marshall.
70 Mary Ann Turner.
71 Susanah Margetts.
72 Mary Ann Mills.
73 Thomas Goff.
74 Eliza Allison.
75 Agnes Cutler.
76 Zacharias Cutler.
77 Lorenzo Margetts.
78 George Wardle.
79 Louisa Thompson.
80 Mary Bateman.
81 Martha Ann Jenkins.
82 Clarisa Arnold.
83 Sophronia Bateman.
84 Neil Gardner.
85 Ellen Gardner.
86 Hank Crandall.
87 Harriet Goff.
88 Hannah Lapish.
89 Harriet Lancaster.
90 John T. Hill.
91 Sarah Hill.
92 Wm. Wardle.
93 Catherine Wardle.
94 Joseph Ward.
95 Elizabeth Ward.
96 Mary Wardle.
97 John Wardle.
98 Wm. Cooper, sen.
99 Ellen Cooper.
100 Levi Naylor.
101 Emma Naylor.
102 Svend Haagensen.
103 Jenny Haagensen.
104 William Naylor.
105 Dinah Naylor.
106 Abbey Gardner.
107 Margaret Gardner.
108 Samuel Egbert.
109 Jessie Higgins.
110 Louisa Ann Higgins.
111 Simon Hibbard.
112 Caroline Hibbard.
113 Neil Hansen.
114 Hannah Hansen.
115 James Anderson.
116 Cecila Anderson.
117 Dd. Drown.
118 Sarah Drown.
119 Henry Marriott.
120 Ann Marriott.
121 Hyram Goff.
122 Mauria Goff.
123 Esther Marriott.
124 Thomas Marriott.
125 Mary Ellen Mayne.
126 Hannah Cooper.
127 Alexander Dall.
128 Ellen Dall.
129 Charles Sharp.
130 Ann Sharp.
131 James Glover.
132 Mary Gover.
133 Lors E. Saxon.
134 Mary E. Saxon.
135 John Anderson.
136 Ellen Anderson.
137 Mary Amundsen.
138 Ole Amundsen.
139 Andrew Hansen.
140 Caroline Hansen.
141 Charles Yensen.
142 Betsy Yensen.
143 Andrew Amundsen.
144 Hannah Olsun.
145 Nelly Peterson.
146 Okor Olsum.
147 Thos. Dowding.
148 Ebenezer Thayne.
149 Nancy Thayne.
150 Jeannet Thayne.
151 Sarah Ann Cundick.
152 Francis Cundick.
153 Isaac Withers.
154 Sophia Withers.
155 Jane Shields.
156 J. Goff, sen.
157 Ann Goff.
158 Joseph Sysam.
159 Mary Sysam.
160 Geo. M. Webster.
161 E. Annie Webster.

162 James M. Bateman.
163 Marin Bateman.
164 Frederick A. Cooper.
165 George Glover.
166 Harriet Glover.
167 Wm. Turpin.
168 Ann Turpin.
169 John Argent.
170 Mary Argent.
171 Jessie Argent.
172 Wm. B. Bird.
173 Eliza Bird.
174 Ann Grimmet.
175 Mary Thompson.
176 Clous Bahr.
177 James C. Brown.
178 Ellen Brown.
179 Reuben Marshall.
180 Sarah Marshall.
181 Mary Larson.
182 Brigham Gardner.
183 Joseph Williams.
184 Johannah Williams.
185 William Bennett.
186 Eliza Bennett.
187 James Turner.

We certify the foregoing is a true list of the votes polled in West Jordan precinct August 5, 1872.

THOMAS ALLSOP, *Judge.*
A. GARDNER, *Clerk.*

No. 15.—EXHIBIT No. 12.—*Poll-list of South Jordan precinct.*

I hereby certify that the within is a correct report of the votes polled at South Jordan precinct.

JOHN W. WINWARD,
Judge of Election.
WM. A. BILLS, *Clerk.*

1 John A. Beckstead.
2 Sabina Beckstead.
3 John W. Winward.
4 Sarah E. Winward.
5 Mary A. Soffe.
6 Nimrod G. Soffe.
7 Mary Soffe.
8 Wm. A. Bills.
9 John Hansen.
10 Elsa Hansen.
11 Carolina Petersen.
12 Rostrop Jensen.
13 Geo. Wesng. Beckstead.
14 Elenor Beckstead.
15 John C. Egbert.
16 Betsy Egbert.
17 Robert Egbert.
18 Seviah Egbert.
19 Henry Beckstead.
20 Emily Beckstead.
21 Elizabeth Beckstead.
22 Emeline Bills.
23 Matilda Bills.
24 Petrena Bills.
25 James Oliver.
26 Jane Oliver.
27 Maria Oliver.
28 Timothy Gilbert.
29 Ann Gilbert.
30 Robert Spencer.
31 John Spencer.
32 Emely L. Spencer.
33 Geo. Wash. Beckstead.
34 Araminta Beckstead.
35 William Beckstead.
36 Alvin C. Egbert.
37 Samuel Green.
38 James Shields.
39 Elizabeth Shields.
40 Catherin Beckstead.
41 Thos. Beckstead.
42 Lydia Beckstead.
43 Sarah Beckstead.
44 Mathew Holt.
45 Ann Holt.
46 Lars Jensen.
47 Ellen M. Jensen.
48 Catherine E. Beckstead.
49 Byrum H. Beckstead.
50 Jesse Vincent.
51 Ellen Vincent.
52 M. T. Silcock.
53 Jane Silcock.
54 Thomas Silcock.

3 Thomas Hadfield.
4 William Knopp.
5 Jane Knopp.
6 Mary E. Cook.
7 Lewellyn Mantle.
8 Catherine Mantle.
9 Margerett Egg.
10 Samuel Bringhurst.
11 Eleanor Bringhurst.
12 Robert P. Bringhurst.
13 Elizabeth G. Bringhurst.
14 Samuel Bringhurst, jr.
15 Robert Piston, sen.
16 John Field.
17 Alice Field.
18 William Harker.
19 Francis E. Harker.
20 Lewellyn J. Mantle.
21 Betsey Mantle.
22 William Panter.
23 Thomas Cook.
24 Elizabeth Pixton.
25 Esther Bennion.
26 Mary Turpin.
27 Sarah Butterfield.
28 Ann Panter.
29 John R. Bennion.
30 William I. Spencer.
31 Emma I. Bennion.
32 Emma Lindsey.
33 Joseph L. Lindsey.
34 Sarah H. Butterfield.
37 Ann Mackey.
38 Thomas Mantle.
39 John Webster.
40 Mary Ann Webster.
41 Charles Walter.
42 John S. Garber.
43 Mary A. Garber.
44 Eve Shubel.
45 Abijah Walter.
46 Mary Hadfield.
47 Ellen Barrass.
48 Thomas Williams.
49 Samuel Bennion.
50 George Mosess.
51 Alice Mosess.
52 George D. Rathke.
53 Thomas H. Jenkins.
54 Eliza M. Jenkins.
55 James Gordan.
56 Jacob K. Butterfield.
57 Thomas Mackey.
58 Charles R. Wright.
59 Charlotte James.
60 Sarah Franks.
61 Margret E. Wright.
62 Susan Harker.
63 Eliza Spencer.
64 William Parker.
65 Mary Parker.
66 Angeline R. Spencer.
67 Rachel Spencer.

This certifies the above is a correct report of the votes cast in North

No. 17.—EXHIBIT No. 14.—*Poll-list of Fort Herriman precinct.*

1 John S. Walker.
2 Wm. H. Freeman.
3 Samuel J. Wing.
4 John M. Bowen.
5 David Bowen.
6 John W. Wright.
7 Wm. Draper.
8 James N. Walker.
9 Wm. C. Crump.
10 Jeremiah R. Stocking.
11 Margaret Crump.
12 Elizabeth Wright.
13 Angeline A. Freeman.
14 Sarah Freeman.
15 Joseph Bodell.
16 Emma J. Bodell.
17 Edward J. Farmer.
18 Elizabeth E, Farmer.
19 Ensign I. Stocking.
20 Elizabeth E. Stocking.
21 Fidelia Kidd.
22 James Crane.
23 Thomas Butterfield, sr.
24 Josiah Draper.
25 Joseph Draper.
26 James Farm er.
27 Jane Draper.
28 Hariett Stocking.
29 Hariett A. Wing.
30 Mary A. Tempest.
31 Henry Tempest.
32 Fransis E. Walker.
33 A. Butterfield.
34 Elizabeth A. Butterfield.
35 Robert Dansie, jr.
36 Jane Dansie.
37 Robert Dansie, sen.
38 Jane Bowen.
39 Gideon Mumford.
40 John E. L. Taylor.
41 Elizabeth Mumford.
42 Martha E. Mumford.
43 Alice Crane.
44 Thomas Mumford.
45 Matilda Tempest.
46 James Tempest.
47 Rachel Crane.
48 Elizabeth Crane.
49 Alexander Kidd.
50 Elizabeth J. Wing.
51 Agnes A. Walker.
52 G. Miller.
53 Daniel Densley.
54 Sarah Densley.
55 Emma Butterfield.
56 Mary J. Butterfield.
57 Mary Butterfield.

I hereby certify that the foregoing is a true list of the votes polled at a general election held at Herriman precinct, this 5th day of August, A. D. 1872.

S. J. WING,
Judge of Election.
WM. H. FREEMAN, *Clerk.*

No. 18.—EXHIBIT No. 15.—*Poll-list of Brighton precinct.*

1 Nathan Hanson.
2 Hannah Hanson.
3 John Alexander.
4 Anna Alexander.
5 Henry Sutton, sr.
6 Elizabeth Sutton.
7 Frederick Shoenfield.
8 Henrietta Shoenfield.
9 Robert Hazen.
10 Mary Ann Hazen.
11 Ephriam Luze.
12 James Cochran.
13 Jennett Cochran.
14 John B. Rudy.
15 Nancy Leardan.
16 Henry Rudy.
17 Ann M. Rudy.
18 John Nash.
19 Carlott Nash.
20 William Gedge.
21 Rachiel Gedge.
22 Theodore Letzer.
23 Louisa Letzer.

We certify that this is a correct return of election held in Bright precinct, Salt Lake County, Utah, Aug. 5, 1872.

HENRY RUDY,
Judge of Election.
JOHN B. RUDY, *Clerk.*

No. 19.—EXHIBIT No. 16.—*Poll-list of Brigham precinct, August 5, 187*

1 S. Berry Dorn.
2 A. W. Heaton.
3 John Hogan.
4 Wm. Brown.
5 T. H. B. Jones.
6 J. S. Mathews.
7 A. P. Baughton.
8 James Lashey.
9 A. McEdward.
10 Gideon Girroux.
11 James Milett.
12 J. Talbot.
13 J. P. Howell.
14 Ed. Simmons.
15 J. W. Merrill.
17 William Duff.
18 Owen Corn.
19 John Keneddy.
20 George R. Gilbert.
21 J. B. Kempton.
22 James McMahan.
23 W. L. Shoals.
24 J. W. Kilgore.
25 Frank Hoffman.
26 Loomis Neor.
27 S. L. Sanders.
28 John Gallaher.
29 William Hanley.
30 James Humphries.
31 A. Lieverman.
32 William Waters.
33 Jef. Lindsey.
34 A. D. Williams.
35 J. F. McKennon.
36 John Kroston.
37 James Yonkin.
38 George W. Smith.
39 J. Thompson.
40 J. Train.
41 Joseph Ralstone.
42 George Birch.
43 John Hajell, sr.
44 Peter Punt.
45 John Deyoe.
46 Joseph Dick.
47 A. J. Sanders.
48 A. M. Loyd.
49 Michael Meggs.
50 Jabes Bright.
51 J. B. Hickman.
52 Sol. C. Perrin.
53 Joseph Parker.
54 Alexander Stephens.
55 Hyram Ball.
56 Samuel Buck.
57 P. H. Mundy.
58 J. F. Tabor.
59 Wm. M. Hill.
60 Wm. Henderson.
61 Charles Snyder.
62 Thomas Connell.
63 William Auditt.
64 Thomas King.
65 Peter Mogus.
66 John F. Rinney.
67 James Young.
68 T. H. Hooper.
69 John Francis.
70 Robert Watson, sr.
71 J. J. Stewart.
72 B. D. Griggs.
73 Francis Oliver.
74 David O. Rideout.
75 G. H. Bevis.
76 J. F. Tabor.
77 Louis De Ronoo.
78 Richard Ames.
79 John Jones.
80 George A. Jackson.
81 T. W. Ireland.
82 Frank Brown.
83 Jacob Bailey.
84 James Conelley.
85 J. P. Wood.
86 D. P. Curtiss.
87 Joseph Turner.
88 F. Duncomb.
89 Henry M. May.
90 Wm. McConnell.
91 Wm. H. Walker.
92 B. W. Weller.
93 Peter McKinnon.

94 Wm. Thompson.
95 W. H. Weller.
96 A. Kloppenstine.
97 J. E. Terry.
98 T. S. Whitmore.
99 Charles Whitmore.
100 M. W. Chapin.
101 G. P. Swinford.
102 F. M. Builley.
103 J. S. Henshaw.
104 *Mrs. J. P. Wood.
105 *Miss Lizzie Wills.
106 Mary Jane Robinson.
107 *Q. B. Kiles.
108 W. S. Clays.
109 Peter G. Furgerson
110 *Mrs. M. Watson.
111 *Mrs. Mahala Hogan.
112 *Mrs. Mary Peterson.
113 Charles D. Brown.
114 Frank Webb.
115 Peter Lorrensen.
116 James Burton.
117 †Mrs. Susanah Thompson.
118 †Mrs. Eda Adams.
119 †Mrs. Mary Chevlew.
120 George McGowan.
121 A. Etchel.
122 A. Randel.
123 J. Weller.
124 H. Layland.
125 John Claye.
126 John Germaine.
127 Edward Paul.
128 John Hancock.
130 Daniel Dixon.
131 Silas McGuire.
132 Mark Houston.
133 Robert W. Perry.
134 Edward Evird.
135 Michael Furgerty.
136 John McGuire.
137 John O. Wilson.
138 ‡Mrs. J. Bery Clay.
139 Smith Dixon.
140 James I. Gray.
141 George W. Walton.
142 Wm. Rotsford.
143 Wm. Lonegan.
144 J. F. Buford.
145 §Emma Mayne.
146 §Ellen Griffin.
147 Patrick Meehan.
148 P. T. Roth.
149 W. H. Sherman.
150 Joseph Thornton.
151 Peter Shear.
152 Jonathan Isaacs.
153 Alva Cheveral.
154 Henry Walters.
155 John Robinson.
156 Edward Southwick.
157 Warren D. Hickman.
158 William Guest.
159 Jerome Kempton.
160 James Walker.
161 Nathaniel Ells.
162 Israel Swans.
163 William Bullin.
164 ||Rachael Brown.
165 James Murphy.
166 Wm. H. Lewis.
167 D. W. Hewstin.
168 A. Davis.
169 Robert A. Hardy.
170 Wm. Force.
171 Orson Schaefer.
172 Oscar Davis.
173 George Howard.
174 Samuel T. Hughes.
175 A. W. Davis.
176 John Lindsey.
177 James Wills.
178 George A. Hubbard.
179 W. H. Nester.
180 Hiram Jiles.
181 Frank Jones.
182 T. B. McGlochlin.
183 Josep Jiles.
184 Graham Douglass.
185 Charles McCormick.
186 Wm. England.
187 John Goddard.
188 Dominic Roraco.
189 ¶Mrs. Elizabeth Simmons.
190 ¶Mrs. Douglass.
191 Joseph Goddard.
192 William Wadreau.
193 J. R. Mellon.
194 M. R. Williams.

* Under protest—S. Berry Dorr, clerk.
† Protest—S. Berry Dorr, clerk.
‡ On protest—S. Berry Dorr, clerk.
§ By protest—S. Berry Dorr, clerk.
|| Contested—S. Berry Dorr, clerk.
¶ Protested—S Berry Dorr, clerk.

195 R. D. Clark.
196 James Veitch.
197 Wm. Wayne.
198 Richard Predeux.
199 Peter Cloys.
200 Alfred Homes.
201 David Henderson.
202 John White.
203 E. R. Billings.
204 *Mrs. Anie Charlesons.
205 *Mrs. E. L. Rennily.
206 W. Jarman.
207 Fred. J. Keesel.
208 Thomas King.
209 T. A. Janney.
210 H. S. Haynes.
211 Michael Foley.
212 F. J. Bredeaux.
213 John Coleurs.
214 *Sarah Stewart.
215 Nicholas Freewick.
216 Willam Goddard.
217 Stacy Williams.
218 Joseph Johennemeyer.
219 Wm. F. Auls.
220 John Cocking.
221 James McVay.
222 A. B. Frank.
223 George Marsh.
224 Ole Irleson.
225 Alex. Baldwin.
226 James Hackett.
227 Benj. S. Markham.
228 George W. Crawley.
229 Franklin Hill.
230 Thomas Wells.
231 Joseph Armstrong.
232 Wm. McRane.

BRIGHAM CAÑON, *Aug.* 5, 1872.

I hereby certify that the foregoing is a true statement of the results of election holden at Brigham Cañon the 5th day of Aug. A. D. 1872.

[SEAL.] S. BERRY DORR, *Clerk.*

A. D. HEATON,
Justice of the Peace.

No. 20.—EXHIBIT No. 17.—*Poll-list of Granite precinct.*

1 David Nickles.
2 Eupheni Nickles.
3 Martin H. Tanner.
4 W. J. Despaire.
5 J. J. Snell.
6 David Nicol, jr.
7 Nathan Farmer.
8 S. J. Despain.
9 Speirs Lawson.
10 Robert Morris.
11 James Elliot.
12 John McCloy.
13 James Steele.
14 John Sutherland.
15 J. F. Hutchinson.
16 Susan Despain.
17 Rhoda Hutchinson.
18 J. O. H. Cahill.
19 Alvah Cummings.
20 Edwd. Cooke.
21 Edwin Booth.
22 James Munson.
23 Peter Rosin.
24 James Young.
25 Martha Young.
26 Robt. Dearden.
27 George Clark.
28 Joseph Gribble.
29 Thomas Henderson.
30 David Norris.
31 James Allen.
32 H. W. Hannibal.
33 Hugh Archibald.
34 David Archibald, jr.
35 David Archibald, sr.
36 James Widdison.
37 Robt. Phillips.
38 Archibald Moffatt.
39 John Morgan.
40 Wm. Christmas.
41 Eda Turner.
42 John Henderson.
43 Ann Chisholm.
44 Jane Lawson.
45 Persis Tanner.
46 Eva Huffaker.

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* Protest.– S. Berry Dorr, Clerk.

47 Helen A. Maxfield.
48 Ann Hill.
49 John Hill.
50 Thomas Hill.
51 Rachel Ashby.
52 Thomas Ashby.
53 Wm. Osborn.
54 Sarah A. Newman.
55 Jeannette Archibald.
56 Sarah Elliott.
57 A. U. Hobson.
58 R. P. Jones.
59 David Williams.
60 Geo. Bowen.
61 M. L. Daly.
62 R. W. Gowan.
63 D. S. Huffaker.
64 Chas. Barbour.
65 J. N. Cook.
66 Daniel Card.
67 Ellen M. Glover.
68 Joseph Glover.

GRANITE PRECINCT, *August* 5, 1872.

We, the undersigned, clerk and judge of election for Granite precinct, do hereby certify the within to be correct returns of an election held in said precinct on Monday, August 5, 1872.

S. J. DESPAIN.
J. J. SNELL.

No. 21.—EXHIBIT No. 18.—*Poll-list of Little Cottonwood precinct.*

1 C. W. Baker.
2 William Cull Mills.
3 John Hale.
4 John Carney.
5 Frank Golden.
6 Peter Coyle.
7 H. L. Kenney.
8 T. F. Hibbard.
9 Michael Larkin.
10 Jonathan Jackson.
11 John Maley.
12 John Haley.
13 Philip S. King.
14 Daniel Holland.
15 Michael Kelley.
16 Almar Clough.
17 Nl. Haas.
18 Andrew Mason.
19 Thomas P. Thomas.
20 Thomas D. Giles.
21 David C. Lane.
22 A. M. Smith.
23 William M. Lyons.
24 Samuel H. Stewart.
25 Joseph Allen.
26 Edwin Stanton.
27 J. J. O. Toole.
28 Lawrence Schauer.
29 R. Greenway.
30 John Murphy.
31 William Wallace.
32 A. H. Kallanberg.
33 Frank Pierce.
34 James W. Vincent.
35 H. Hulseman.
36 J. C. Bowles.
37 John Haley.
38 William A. O'Brien.
39 Richard Griffin.
40 Joel Smith.
41 N. C. Boatman.
42 Edward Little.
43 Michael Welch.
44 John Summers.
45 William J. Comyerge.
46 Geore Tomlins.
47 Jonathan J. T. Rowland.
48 Fritz Miller.
49 J. H. Morton.
50 John Hassett.
51 Charles Melgren.
52 W. J. McMasters.
53 M. Mellen.
54 J. W. Brown.
55 Henry C. Hall.
56 Benjamin Miller.
57 James E. Kenney.
58 Edward Dougher.
59 John Skinner.
60 John C. McMannus.
61 M. Mansfield.
62 E. C. Morse.
63 B. S. Hall.
64 J. B. Black.
65 C. F. Clifford.
66 Thomas B. Oney.

67 W. H. Bushell.
68 Joseph James.
69 William Wier Wolfersberger.
70 William Neischwitz.
71 Mortimer F. Sullivan.
72 James Cogin.
73 George Dixon.
74 Francis McGlauthlin.
75 James Donahue.
76 M. J. Bramran.
77 Milas E. Johnson.
78 Franklin F. Carter.
79 Shep McFadden.
80 Ed. Boyle.
81 Hugh McCauley.
82 E. M. Donovan.
83 J. F. Perry.
84 H. A. Frazer.
85 Charles H. Collins.
86 John Goddard.
87 J. F. Boynton.
88 P. M. Lawler.
89 Charles H. Moore.
90 A. G. Brandner.
91 Richard Irwin.
92 D. W. Griffey.
93 Henry Conover.
94 John Wright.
95 C. N. Brough.
96 D. H. Latham.
97 Michael Branan.
98 John Cather.
99 R. B. Glaze.
100 Harry F. Long.
101 B. M. Street.
102 John McDonald.
103 Darrie Martin.
104 William Tremper.
105 R. E. Thompson.
106 Charles McKinney.
107 John Snyder.
108 S. M. Doughman.
109 R. A. Tiernan.
110 Michael Boyle.
111 Thomas Smith.
112 James McClerry.
113 J. P. Harlow.
114 W. J. Smith.
115 Patrick Brosnan.
116 Thomas Sullivan.
117 H. E. Benjamin.
118 W. C. Poole.
119 L. W. Simmons.
120 C. R. Grise.
121 W. C. Duncan.
122 Richard Wallace.
123 John McCaffery.
124 John Worth.
125 George W. Case.
126 T. H. Thomas.
127 A. B. Larsen.
128 George O. James.
129 Kate E. Dobson.
130 Ella Ellwood.
131 W. A. Owens.
132 Charles Goodwin.
133 E. D. Egan.
134 Thomas Tracy.
135 Matthew Keenan.
136 George Barrey.
137 John W. Park.
138 Henry Moore.
139 George Thomas.
140 Andrew Gurley.
141 Thomas M. Converce.
142 George W. Arnett.
143 W. R. Heaton.
144 Jane Greene.
145 Martin Orthrop.
146 E. T. Potts.
147 Hugh Leonard.
148 A. Johnson.
149 J. W. Eastin.
150 H. C. Miller.
151 W. H. Wilcox.
152 George Robinson.
153 John Rose.
154 William Densen.
155 B. M. Pearlman.
156 J. W. Wilson.
157 David Hoge.
158 G. W. Tyler.
159 H. C. Rogers.
160 Thomas Hughes.
161 James Wheyland.
162 William Patterson.
163 John Bartlett.
164 George W. Lawsen.
165 A. E. Lester.
166 A. A. Jackson.
167 Thomas Hardey.
168 J. G. Brown.
169 Cris Shultze.
170 B. A. Ketchum.
171 M. K. Harkness.
172 D. Caddy.
173 G. A. Wilson.
174 James Hogle.
175 John Sullivan.
176 Henry Ohle.
177 James Bensley.
178 William Lavin.

179 Oscar Rydwall.
180 James D. Hawker.
181 P. H. Donnely.
182 J. Slawson.
183 James McKinney.
184 David Crocker.
185 O. D. Bowen.
186 Harry Desmond.
187 W. H. Howland.
188 Sol. A. Wixon.
189 John Reiley.
190 M. A. Halstead.
191 C. Maxwell.
192 W. P. Rowe.
193 John S. Lingo.
194 Theodore Tangwald.
195 John W. Goldthait.
196 W. S. Ismon.
197 J. B. Price.
198 Thomas Meehan.
199 John Hanford.
200 George Underwood.
201 William Pascoe.
202 G. C. Merrit.
203 Matthew Muldoon.
204 John St. John.
205 E. Philbrick.
206 O. Custar.
207 Franklin Priest.
208 Thomas Moran.
209 R. Hansen.
210 G. W. Hawkins.
211 A. Forbes.
212 Charles Nourse.
213 J. M. Lane.
214 J. W. Myrick.
215 William Hunt.
216 D. H. Simmons.
217 Fritz Adolphe.
218 Stiles Murphey.
219 William Downey.
220 R. D. Williams.
221 James McTierney.
222 John McGinty.
223 John Brunton.
224 A. D. Beavan.
225 A. W. Lee.
226 John Lewis.
227 G. W. Driver.
228 Theodore Lytle.
229 Harry Ross.
230 William Prosser.
231 D. H. Clark.
232 A. Jacobson.
233 James Larsen.
234 John A. Mooring.
235 Alfred Nebel.
236 Joseph Zuber.
237 James Dobson.
238 William Rumpf.
239 James Langley.
240 Frank Felt.
241 Cora Grant.
242 T. B. Scott.
243 W. S. Leonard.
244 Robert Gilliand.
245 Henry Grow.
246 C. E. Lambert.
247 Lyman Burnett.
248 C. Green.
249 Charles B. Fenwick.
250 M. D. Boardman.
251 James W. Stephens.
252 J. P. Williams.
253 Richard Duncan.
254 Dominick Noyce.
255 J. W. Gildersleeve.
256 Geo. F. Henry.
257 A. J. Fitzgerald.
258 Neils Johnson.
259 J. J. Burnswood.
260 Henry Brown.
261 Augustus Talbot.
262 Richard Davis.
263 Henry Sampson.
264 Henry Tonkin.
265 Henry Harvey.
266 John Crago.
267 George Robbins.
268 L. M. Beemon.
269 P. K. Jacoby.
270 William Brennicke.
271 Seth D. Rice.
272 R. C. Thaxton.
273 John Caley.
274 Henry Owen.
275 D. H. Bently.
276 John Flaherty.
277 George W. Harland.
278 Nick Johnson.
279 John Green.
280 H. W. Lee.
281 J. W. Elliott.
282 C. W. Smith.
283 John T. Johnson.
284 H. C. Barnhart.
285 Er. R. Knabb.
286 William Miller.
287 G. B. Morton.
288 H. H. Sowles.
289 L. B. Clements.
290 F. Fisher.

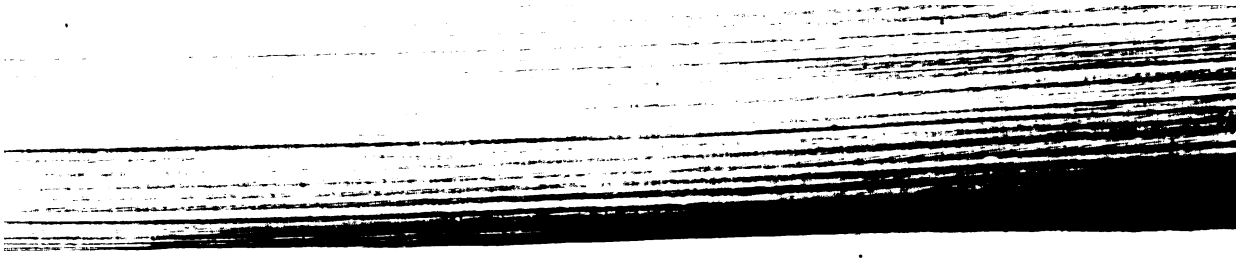
291 Peter Tay.
292 William H. Hart.
293 John Conner.
294 H. L. Rice.
295 Orlando Hallett.
296 Geo. H. Springmeyer.
297 Colin Campbell.
298 William Stephens.
299 A. Johnson.
300 J. B. Francis.
301 A. P. Sanders.
302 George W. Klink.
303 Thomas Lynch.
304 M. Armstrong.
305 C. N. Cavalli.
306 Michael O. Shea.
307 Joseph Brandy.
308 Joseph Masters.
309 George Batten.
310 E. J. Hall.
311 William Wilson.
312 T. Heath.
313 L. A. Webb.
314 John Scarborough.
315 W. D. Lilley.
316 William Slensbuy.
317 Andrew J. Bivans.
318 Peter Haas.
319 N. Bennett.
320 W. H. Clancey.
321 R. P. Wheelock.
322 T. D. Murphey.
323 James T. Madison.
324 E. J. Walson.
325 Henry Shields.
326 Thomas Cragie.
327 Annie E. Miller.
328 Grace Harris.
329 John Bremen.
330 John Flemming.
331 W. Chas. Pratt.
332 A. R. Shaw.
333 E. D. Boyle.
334 James Cullinan.
335 J. W. Grogan.
336 James N. Downs.
337 O. P. Corbitt.
338 James Kyle.
339 E. H. Bumer.
340 J. B. Winters.
341 R. S. Preston.
342 Thomas F. Thomas.
343 R. J. English.
344 George Miller.
345 Levi Staples.
346 Thomas Gunderson.
347 William Hammell.
348 James Isherwood.
349 Isaac Lewis.
350 R. R. Johnson.
351 H. W. Neal.
352 Kate Foster.
353 Martin Florida.
354 William Haynes.
355 D. A. Lawrence.
356 A. H. Huyett.
357 Margaret Powers.
358 Henry De Huff.
359 R. P. Eaton.
360 T. J. Terry.
361 M. Martin.
362 William Duggans.
363 Thomas Butterwood.
364 C. H. Douglas.
365 C. A. Person.
366 John E. Williams.
367 Lorenzo C. Allison.
368 C. Campbell.
369 David Jenkins.
370 Evan Jenkins.
371 Patrick Foley.
372 Thomas Donnegan.
373 Charles Bassett.
374 Michael Crowley.
375 Peter Osburn.
376 Charles H. Davis.
377 William Batesen.
378 C. Murrin.
379 Andrew Hughes.
380 W. H. Harrier.
381 John Wright.
382 Charles Remers.
383 George Murry.
384 David Shand.
385 Henry Anderson.
386 James Shanley.
387 C. T. Bellamy.
388 T. H. Jones.
389 T. J. Masters.
390 Edward Murry.
391 Thomas H. Sears.
392 R. S. Leveridge.
393 G. W. List.
394 Marini Reece.
395 Fulton Haight.
396 James Keith.
397 Seth Young.
398 E. J. Field.
399 Edward Lashbrook.
400 Elijah Harlan.
401 William Kelley.
402 C. E. Whitney.

403 E. D. Baker.
404 Samuel Northey.
405 John Cox.
406 John M. Collins.
407 W. B. Hunter.
408 Frank Hohman.
409 James A. Hyter.
410 C. S. Moody.
411 W. C. Ripley.
412 T. F. Waters.
413 L. Dibbles.
414 Annie Nordick.
415 Mat. Condon.
416 Edward Kenney.
417 William Moore.
418 John Hagell.
419 H. White.
420 Jackson Jones.
421 J. D. Looney.
422 A. E. Wallace.
423 Alexander Berney.
424 Isaac Spangler.
425 Thomas Kenney.
426 Owen Gorman.
427 William H. McKim.
428 John Dearden.
429 W. E. Hall.
430 James Moore.
431 A. Raggeio.
432 John Casseli.
433 J. A. Barrona.
434 D. C. Githens.
435 A. Vanim.
436 S. McCumsey.
437 D. J. Livingston.
438 Robert Carouthers.
439 W. S. Huston.
440 Michael O'Donnell.
441 Thomas Morris.
442 Augustus Tredo.
443 John Stephens.
444 John Wilson.
445 Joseph Morse.
446 David Teusscher.
447 R. Moxley.
448 Hiram Thomas.
449 W. Switzer.
450 W. J. Noland.
451 John Murphey, No. 2.
452 John A. Bernard.
453 James A. Barnes.
454 C. J. Carman.
455 J. P. E. Cosgrove.
456 Andrew Swansen.
457 Joseph Runions.
458 William Bazzel.
459 E. P. Smith.

ALTA, *August* 5, 1872.

We hereby certify that the foregoing is a true and correct list of names of the voters of Little Cottonwood precinct, and the ballots herewith are the ballots cast by them.

A. G. BRANDNER,
J. P. and Judge of Election.
D. W. GRIFFEY,
Clerk of Election.
C. M. BROUGH, *Clerk.*



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43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 50.

ADDITIONAL AMOUNT OF CURRENCY.

RESOLUTIONS

OF

THE LEGISLATURE OF SOUTH CAROLINA,

ASKING

Congress to grant relief for the present financial embarrassment by authorizing the issue of an additional amount of currency.

DECEMBER 19, 1873.—Referred to the Committee on Banking and Currency and ordered to be printed.

Resolved by the senate, (the house of representatives concurring,) That the Senators and Representatives of this State in the Congress of the United States be, and they are hereby, requested to move and urge upon the consideration of Congress such amendments of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, as will authorize the Comptroller of the Currency to issue to national banks organized under said act an amount of circulating notes, or currency, which shall be equal to ninety per centum of the current market-value of the United States bonds transferred and delivered by such national banks respectively to the Treasurer, without limitation as to the par value of such United States bonds.

Resolved, That the governor be requested to communicate the foregoing resolution to the Senators and Representatives of the State in Congress, and to urge their early attention to the same as a means of relief to the country in its present condition of financial stringency.

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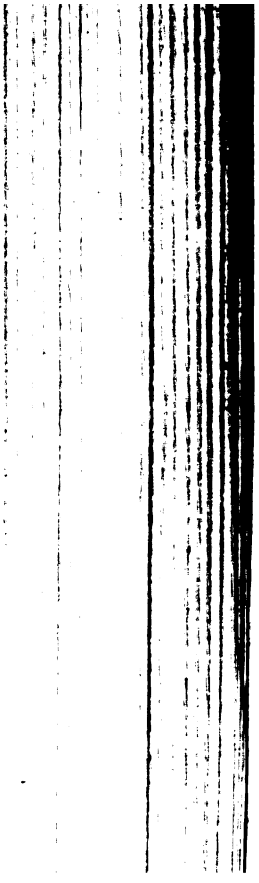


43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 51.

SUBSIDIES TO RAILROADS.

DECEMBER 19, 1873.—Referred to the Committee on the Pacific Railroad and ordered to be printed.

Mr. LUTTRELL submitted the following

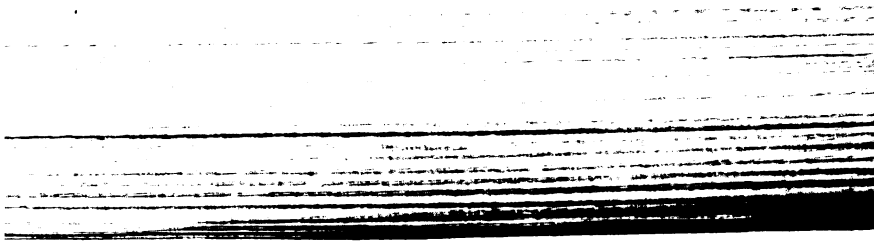
RESOLUTION:

Whereas the several railroad companies hereinafter named have received from the United States, by authority of the act of Congress of July 1, 1862, and the several acts amendatory thereof, money-subsidies to aid in the construction of their several roads, as follows, viz: To the Central Pacific, $25,885,120; to the Kansas Pacific, $6,303,000; to the Union Pacific, $27,236,512; to the Central Branch Union Pacific, $1,600,000; to the Western Pacific, $1,970,560; and to the Sioux City and Pacific, $1,628,320, making a grand total of $64,623,512; and the said several railroad companies have agreed to pay back said advances, together with the interest due thereon, the United States holding a second mortgage upon said roads to secure the repayment and interest;

And whereas the said railroad companies have heretofore refused and omitted, and still do refuse, to pay to the United States their proportions of interest heretofore accruing, or any part thereof;

And whereas the United States has paid or advanced the sum of $20,447,986.25 interest for said several railroad companies, and there remains yet unpaid interest to the amount of $1,292,470.20: Therefore,

Be it resolved, That the Judiciary Committee is hereby instructed to report a bill authorizing and requiring the Attorney-General of the United States to institute and prosecute the requisite legal proceedings to enforce the immediate payment of such accrued and accruing interest.



43D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 52.

A LIST

OF

REPORTS TO BE MADE TO CONGRESS

DURING THE

FIRST SESSION OF THE FORTY-THIRD CONGRESS

BY

PUBLIC OFFICERS.

PREPARED,

IN OBEDIENCE TO A STANDING ORDER OF THE HOUSE, BY THE CLERK OF THE HOUSE OF REPRESENTATIVES.

DECEMBER 1, 1873.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1873.

EXTRACT FROM THE RULES AND ORDERS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

"It shall be the duty of the Clerk to make, and cause to be printed and delivered to each member, at the commencement of every session of Congress, a list of the reports which it is the duty of any officer or Department of the Government to make to Congress; referring to the act or resolution, and page of the volume of the laws or journal in which it may be contained, and placing under the name of each officer a list of reports required of him to be made, and the time when the report may be expected."

LIST OF REPORTS

To be made to Congress at the first session of the Forty-third Congress by public officers; prepared in obedience to a standing rule of the House of Representatives.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
	BY THE PRESIDENT OF THE UNITED STATES.			
	Annual.			
1792, April 2	A statement of the amount, with a description of the coin, struck at the mint during the year 1872.	Statutes at Large, volume 1..	249	In January.
1829, March 3	The affairs of the penitentiary in the District of Columbia.....	Statutes at Large, volume 4..	366	In January.
1846, August 6	Transfers of appropriations for particular branch of naval service to other branches of said service.	Statutes at Large, volume 9..	101	Before the adjournment, if transferred during the session; if transferred during the recess, the first week of the next session.
1865, March 3	Report of the Commissioner of Freedmen's Affairs, with exhibit of the state of his accounts.	Statutes at Large, 2d session 38th Congress.	508	No time specified,
1866, July 26	A report of the commissioners appointed to examine into the claim of the State of Massachusettes for moneys expended for coast defense during the war.	Statutes at Large, 1st session 39th Congress.	367	During the session.
1867, March 2	A report to the Senate of the suspension of any civil officer, with the evidence and reason for his action in the case, and the name of the person so designated to perform the duties of such office.	Statutes at Large, 2d session 39th Congress.	62	Within twenty days after the first day of next meeting of the Senate,
1868, July 27	Directed, whenever it is known that any citizen of the United States has been unjustly deprived of his liberty by or under authority of any foreign government, to demand of that government the reasons of his imprisonment, and, if it appears in violation of the rights of American citizenship, the release of such citizen shall be demanded, and, if such release is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain such release, and all acts and proceedings relative thereto shall be communicated to Congress.	Statutes at Large, 2d session 40th Congress.	200	No time specified.
1869, March 3	Report the number of desks in his department, the number of clerks, the number employed therein during the preceding fiscal year, when employed, when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1869, April 10	A report of the expenditure under the appropriation to enable the President to maintain peace with the various tribes of Indians.	Statutes at Large, 1st session 41st Congress.	191	In December.
1870, July 11	A report of the names of consular agents appointed, and the amount paid to each, together with the reports of such agents.	Statutes at Large, 2d session 41st Congress.	221	Commencement of the session.
1870, July 1	A report relative to the Umatilla Indians in Oregon.....	Statutes at Large, 2d session 41st Congress.	384	No time specified.
1871, February 21	A report of the board of public works of the District of Columbia of their transactions during the preceding year.	Statutes at Large, volume 16.	427	No time specified.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
1873, March 3	Authorized to appoint three commissioners to appraise lands as may now be held by the Des Moines Navigation Company.	Statutes at Large, volume 17.	618	Commencement of the session.
1873, March 3	Directed to transmit the report of a board on the best system of irrigation for certain valleys in California.	Statutes at Large, volume 17.	623	During the session.
	Special.			
1872, June 1	To report all proceedings under the "Act to authorize the President of the United States to negotiate with the chief and head-men of the Shoshone and Bannock tribe of Indians for the relinquishment of a portion of their reservation in Wyoming Territory.	Statutes at Large, 2d session 42d Congress.	226	No time specified.
1873, January 23	A list setting forth the names and residences of complainants or claimants, citizens of the United States, as have preferred claims against foreign governments to the Executive Department of the Government, &c.	House Journal.....	232	No time specified.
1873, January 25	Any information he may have concerning the occupation of land in San Juan Island or other island acquired by the United States by the recent award of the King of Prussia by subjects of Great Britain, &c.	House Journal.....	242	No time specified.
1873, March 1	A copy of all papers on file in relation to the pardon of James Brown.....	House Journal.....	538	No time specified.
	BY THE SECRETARY OF STATE.			
	Annual.			
1798, July 6 1799, March 2	Abstracts of the returns made by collectors of the registered seamen of the United States...	Statutes at Large, volume 1..	696 729	Early in January.
1819, March 2	A list of passengers arriving in the United States from foreign countries during the year 1872.	Statutes at Large, volume 3..	489	Early in February.
1842, August 26	A full and detailed statement of the expenditure of the contingent fund of the State Department, showing to whom payments were made, and for what, &c.	Statutes at Large, volume 5..	527	Commencement of the session.
1842, August 26	Statements of all moneys expended by disbursing officers, acting under the orders of the State Department during the year 1872.	Statutes at Large, volume 5..	527	In January.
1818, April 20 1842, August 26	The names of the clerks and all other persons employed in the Department of State, or any of its offices, during the year 1872, or any part thereof, with the time each was actually employed, and the sum paid each, and whether they have been usefully employed; whether the services of any can be dispensed with without detriment to the public service; and whether the removal of any, and the appointment of others in their stead, is required for the better dispatch of business; and the residence of each at the time of his appointment.	Statutes at Large, volume 3.. Statutes at Large, volume 5..	447 525	In January.
1856, August 18	A report of all the fees collected and accounted for by consuls, vice-consuls, commercial agents, and vice-commercial agents.	Statutes at Large, volume 11.	58	During the session.
1856, August 18	A report of the commercial information communicated by the diplomatic and consular officers severally.	Statutes at Large, volume 11	60	During the session.
1866, July 5	A detailed statement of the manner in which the expenditures are made by the general agent at New York, and commissioner-general at Paris, as provided for in the joint res-	Statutes at Large, 1st session 39th Congress.	363	No time specified.

	olution "to enable the people of the United States to participate in the advantages of the Universal Exhibition at Paris, in 1867."			
1863, March 3	Report the number of desks in his Department, the number of clerks, the number employed therein during the preceding fiscal year, when employed, and when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1870, July 15	A report of the property of the United States in public buildings and grounds belonging to the United States in the District of Columbia.	Statutes at Large, 2d session 41st Congress.	364	First Monday in December.
1872, February 2	A statement of the expenditure of the money under "An act in relation to the embassy from Japan."	Statutes at Large, 2d session 42d Congress.	12	No time specified.
1873, February 14	A report of the expenditures incurred under the resolution relative to the Vienna Exposition, approved February 14, 1873.	Statutes at Large, volume 17.	638	No time specified.
	Special.			
1873, February 3	Directed to ascertain the condition of the records of Mexico relating to the land now embraced within the Territories of Arizona and New Mexico.	Senate Journal.....	263	No time specified.
	BY THE SECRETARY OF THE TREASURY.			
	Annual.			
1789, September 2 1800, May 10	A report upon the state of the finances, embracing a general view of the revenue and expenditures of the United States for the years 1872 and 1873.	Statutes at Large, volume 1. Statutes at Large, volume 2.	65 79	Early in December.
1789, September 2 1800, May 10 1842, August 26	An estimate of the appropriations necessary to be made for the service of the year ending June 30, 1874, with a statement of the appropriations heretofore made, applicable to the service of this year, and a statement of the appropriations of former years, with an estimate of those sums which will not be required to defray expenses incurred in a former year; in which are to be specified the sources from which the estimates are derived and the calculations upon which they are founded, discriminating between such as are conjectural and such as are not conjectural, with the authority for the estimate.	Statutes at Large, volume 1. Statutes at Large, volume 2. Statutes at Large, volume 5.	65 79 537	Commencement of the session.
1791, December 30	An account of the receipts and expenditures of the United States for the year ended June 30, 1872.	House Journal.....	68	Early in December.
1792, April 2	An account of the receipts and expenditures at the Mint, with an account of its transactions during the year 1872.	Statutes at Large, volume 1.	249	In February.
1806, April 10 1834, June 25 1834, June 28 1843, March 3	Statement of the result of the assays made at the Mint in 1872 of certain foreign gold and silver coins.	Statutes at Large, volume 2. Statutes at Large, volume 4. Statutes at Large, volume 4. Statutes at Large, volume 5.	347 681 607	Early in January.
1808, April 21	Statement of contracts and purchases made by the collectors for the revenue service of 1872.	Statutes at Large, volume 2.	485	Early in January, and are generally included in one report.
1808, April 21	Statement of contracts made by direction of the Treasury Department in 1872	Statutes at Large, volume 2.	485	
.....	Statement of the amount of the expenditures for the relief of sick and disabled seamen in 1872.	.....	....	
1809, March 3	Statement of the payments made at the Treasury in 1872 for the discharge of miscellaneous claims not otherwise provided for.	Statutes at Large, volume 2.	536	No time specified.
1810, May 1	Statement of disbursements from the Treasury in 1872 for expenses of intercourse with the Barbary powers.	Statutes at Large, volume 2	609	In February.
1817, March 3	Statement of the affairs and condition of the several banks in the District of Columbia on the 31st of December, 1872.	Statutes at Large, volume 3.	367	In January.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
1820, February 10 1830, May 26 1842, August 26	Statement showing the commerce and navigation of the United States for the year ended June 30, 1872.	Statutes at Large, volume 3. House Journal..... Statutes atLarge, volume 5.	541 608 537	First Monday in December.
1831, May 2 1833, July 14 1832, July 10	Names of applicants for the benefit of the act for the relief of certain insolvent debtors; the amount due; the names of those who may have been released, with the terms of compromise.	Statutes at Large, volume 4. Statutes at Large, volume 4.	469 595	During the session.
1836, April 20	Statements of the capital, circulation, discounts, specie, deposits, and condition of the State banks.	House Journal	1110 1117	During the session.
	An account of the fund arising from the sale of lands under certain treaties with the Chickasaw Indians.	Statutes at Large, volume 5.	10	During the session.
1842, August 26	A full and detailed statement of the expenditures of the contingent fund of the several offices of the Treasury Department, showing to whom payments were made, for what made, &c.	Statutes at Large, volume 5.	527	Commencement of the session.
1842, August 26	Statements of all moneys expended by disbursing officers acting under orders of the Secretary of the Treasury during the year 1872.	Statutes at Large, volume 5	527	In January.
1818, April 20 1842, August 26	The names of all clerks and other persons who have been employed in the Treasury Department during the year 1872 or any part thereof, with the time each person was actually employed, and the sum paid each; also whether they have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any individuals, and the appointment of others in their stead, is required for the better dispatch of business; and the residence of each at the time of his appointment.	Statutes at Large, volume 3. Statutes at Large, volume 5	447 525	In January.
1844, June 17	Reasons for any changes that may have been made in the depositories of the Treasury during the recess of Congress.	Statutes at Large, volume 5	696	Next session.
1846, August 6	Regulations to give full effect to and secure a just accountability under the warehousing system.	Statutes at Large, volume 9.	55	Next session after any such regulations are made.
1849, August 7	Cases of neglect, evasion, or violation of the eighteenth and nineteenth sections of the Independent Treasury act.	Statutes at Large, volume 9	64	Commencement of the session.
1846, August 10	Statement of stolen uncanceled Treasury notes paid.....	Statutes at Large, volume 9	107	With annual report of Secretary of the Treasury.
1847, January 28	Amount of Treasury notes issued under act of January 28, 1847; amount redeemed, purchased, reissued, &c.	Statutes at Large, volume 9	122	Commencement of the session.
1849, March 3	A statement of the amount of money expended at each custom-house in the United States, and the number of persons employed, and the occupations and salary of each person.	Statutes at Large, volume 9	399	During the session.
1853, March 3	A report of the number and names of the persons employed during the last preceding fiscal year upon the Coast Survey and business connected therewith; the amount of compensation of every kind paid them, for what purpose, and the length of time employed; and to report a full statement of all other expenditures made under the direction of the Superintendent of the Coast Survey; also, a general chart of the whole coasts of the United States, &c.	Statutes at Large.....	209	In December.
1863, March 3	A report of the number of proceedings and suits commenced, pending, and determined, for frauds upon the revenue, and a statement of all moneys received by the Solicitor of the Treasury and each district attorney.	Statutes at Large, volume 12	741	During the session.
1866, April 12	A report of the amount of exchanges made or money borrowed under the act to amend an act entitled "An act to provide ways and means to support the Government," approved	Statutes at Large, 1st session 39th Congress.	32	Commencement of the session

		March 3, 1865, and of whom and on what terms; and also the amount and character of indebtedness retired under this act and the act to which this is an amendment, with a detailed statement of the expenses of making such loans and exchanges.			
1866, May	18	A report of the annual estimate of the Postmaster-General of the money required for the service of the Post-Office Department for the ensuing fiscal year.	Statutes at Large, 1st session 39th Congress.	49	Commencement of the session.
1866, July	26	A report upon a general customs-revenue law designed to supersede all other laws on that subject, and embracing all necessary provisions for regulating the foreign and coasting trades, the assessment and collection of duties on goods, wares, and merchandise imported from foreign countries, and other subject-matter immediately pertaining thereto.	Statutes at Large, 1st session 39th Congress.	367	During the session.
1868, February	8	Directed that a commission, to consist of five persons, to be appointed by the Secretary of the Treasury, is hereby created, whose duty it shall be, in connection with the existing commission of the Academy of Science, to carefully examine all meters and mechanical contrivances or inventions that may be presented to them intended to test the productiveness of grain or other articles prepared for distillation, or quantity and strength of distilled spirits subject to tax produced therefrom, giving notice of the times and places where such examinations will be conducted; and the commission shall meet under instructions of the Secretary of the Treasury at the earliest practicable day, and report to said Secretary, to be communicated to Congress.	Statutes at Large, 2d session 40th Congress.	321	On or before the 1st of March next.
1868, June	17	Directed to state all the balances of appropriations made prior to the present session of Congress for each branch of the public service and remaining unexpended on the first day of July next, and designate the amounts necessary to execute contracts or pay expenditures properly chargeable to such balances.	Statutes at Large, 2d session 40th Congress.	42	In his next annual estimates of appropriations.
1868, July	20	Directed to lay before the House of Representatives a statement in detail of the disbursements for incidental and contingent expenses of the Treasury Department made from the sum hereby appropriated.	Statutes at Large, 2d session 40th Congress.	69	Annually, with his report of receipts and expenditures.
1868, July	20	Directed to communicate a full and complete statement in detail of the amounts collected from seamen, and also the amounts expended for sick and disabled seamen, in accordance with the provisions of the act of May 3, 1802.	Statutes at Large, 2d session 40th Congress.	83	At each annual session of Congress.
1868, March	3	Report of the number of desks in his Department, the number of clerks, the number employed therein during the preceding fiscal year, when employed and when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1869, March	3	Report of the amount expended under the contingent fund for the several bureaus of the Treasury, and also statements of the disposition of the old furniture.	Statutes at Large, 3d session 40th Congress.	57	In December.
1870, July	15	A report of the property of the United States in the public buildings and grounds belonging to the United States in the District of Columbia.	Statutes at Large, 2d session 41st Congress.	364	First day of December.
1873, March	3	Directed to report the points on theses and lake coasts of the United States at which the establishment of life-saving stations would best subserve the interests of commerce, with a detailed estimate of the cost.	Statutes at Large, volume 17.	609	During the session.
		Special.			
1872, February	12	Requested to furnish the official report and all other information he has relating to the condition of the post-office and marine hospital in the city of Pittsburgh.	House Journal.....	332	No time specified.
1873, March	12	A report upon the amount of space allotted to each steerage immigrant on board ship, according to the official reports of the collector of customs, &c.	Senate Journal.....	608	During the session.
1873, January	15	A statement showing the amount of special allowances granted to collectors of internal revenue from March 4, 1869, to December 31, 1872, the names of collectors to whom allowed, &c.	House Journal.....	177	No time specified.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
	BY THE FIRST COMPTROLLER OF THE TREASURY.			
	Annual.			
1799, March 2	Statement showing the official emoluments and expenditures of the officers employed in the collecting of the customs for the year 1872.	Statutes at Large, volume 1..	708	Early in February.
1809, March 3	Statement of the accounts in the several Departments which have remained more than three years unsettled, or on which balances have been due more than three years.	Statutes at L volume 2..	536	Early in December.
1817, March 3 1843, January 28	A list of such officers as have not settled their accounts within the year for moneys advanced one year prior to September 30, 1872, with the proceedings in each case.	Statutes at Large, volume 3..	364	Early in December.
1843, January 28	A similar list, required by resolution of the House of Representatives, to be made annually..	House Journal.....	274	Early in December.
	NOTE.—This report is usually made to Congress by the *Secretary* of the Treasury. The law requires it to be made by the *Comptroller*.			
	BY THE TREASURER OF THE UNITED STATES.			
	Annual.			
1789, September 2	Statement of his accounts, with an account of the state of the Treasury.....	Statutes at Large, volume 1..	66	Early in December.
1836, July 2	Statements of receipts and disbursements of the Post-Office establishment.....	Statutes at Large, volume 5..	81	During the session.
	BY THE COMPTROLLER OF THE CURRENCY.			
	Annual.			
1873, January 20	Directed to cause examination to be made into the condition of any bank in the District of Columbia, whenever he may deem it useful.	Statutes at Large, volume 17.	412	At his discretion.
	BY THE SECRETARY OF WAR.			
	Annual.			
1794, April 2	An account of the expenses of the national armories, together with an account of the arms made and repaired therein during the year 1872.	Statutes at Large, volume 1..	352	Early in February.
1803, March 2	A return of the militia of the United States, with their arms, accouterments, &c.....	Statutes at Large, volume 2..	207	Early in February.
1808, April 21	A statement of contracts made by the various branches of the War Department on behalf of the United States during the year 1872.	Statutes at Large, volume 2..	485	Early in January.
1809, March 3	A statement of the expenditures of the moneys appropriated for the contingent expenses of the military establishment for the year 1872, (not contingencies of the War Department.)	Statutes at Large, volume 2..	535	Early in January.
1820, May 1	A statement showing the appropriations for the military service for the year 1872, with the expenditure under each specific head, and the balance of the several appropriations unex-	Statutes at Large, volume 3..	567	Early in February.

		pended at the end of the year, with an estimate of the probable demands which may remain on each of such balances.		
1830, February 1 1842, August 3 1843, February 16		The Army Register (printed) for 1872, to which shall be annexed an accurate schedule of the pay and emoluments, with the commutation value thereof, to which the officers of each grade are entitled, and opposite the name of each officer his annual pay, his allowance for rations, servants, and forage, and all other allowances.	House Journal..... 227 House Journal..... 1453 House Journal..... 384	In February.
1842, August	26	A full and detailed statement of the expenditure of the contingent funds of the several officers of the War Department for the year 1872, showing to whom payments were made, for what made, &c.	Statutes at Large, volume 5.. 527	Commencement of the session.
1842, August	26	Statement of all moneys expended by disbursing officers of the War Department during the year 1872.	Statutes at Large, volume 5.. 527	In January.
1818, April 1841, August	20 26	The names of clerks and all other persons employed in the War Department during the year 1872, or any part thereof, with the time each person was actually employed and the sum paid each, and whether they have been usefully employed; whether the services of any can be dispensed with without detriment to the public service; and whether the removal of any, and the appointment of others in their stead, is required for the better dispatch of business; and the residence of each at the time of his appointment.	Statutes at Large, volume 3.. 477 Statutes at Large, volume 5.. 525	In January.
1865, March	3	Report of the condition of the National Military Naval Asylum for the relief of totally disabled officers and men of the volunteer forces of the United States.	Statutes at Large, 2d session 38th Congress. 510	Early in January.
1865, March	3	Detailed report of such temporary relief as may be absolutely necessary, including clothing and provisions furnished during the residue of the fiscal year ended June 30, 1867, to the so-called refugee Indians in the Indian Territory.	Statutes at Large, 2d session 38th Congress. 563	During the session.
1866, June	23	A report of any survey or resurvey, under the act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, and for other purposes, with the plan adopted and the items of expenditure under said plan, and all action taken under the above act; and he shall accompany said report with a statement of the amount and date of all former appropriations for each work, and a full estimate of its entire and permanent completion with the amount that can be profitably expended in the next fiscal year; and he shall also state in what collection district each work is located, and at what or near what port of entry, light-house, or fort; what amount of revenue was collected at the nearest port of entry for the last fiscal year; and, as far as practicable, what amount of commerce and navigation would be benefited by the completion of each particular work.	Statutes at Large, 1st session 39th Congress. 73	Commencement of the session.
1866, July	8	A report of the amount found to be justly due to the Territory of Colorado for the service of the First Regiment of Colorado Mounted Militia.	Statutes at Large, 1st session 39th Congress. 371	In December.
1867, January	14	The final report of the commissioners provided for in the second section of the act of Congress entitled "An act making appropriation for sundry civil expenses of the Government for the year ending June 30, 1867."	Statutes at Large, 2d session 39th Congress. 7	No time specified.
1867, February	22	A report of the condition of national cemeteries, and the amount of money necessary to protect them, to sod the graves, grade and gravel the walks and avenues, and to keep the grounds in complete order, with estimate of appropriation necessary for that purpose.	Statutes at Large, 2d session 39th Congress. 31	Commencement of the session.
1867, March	2	A report of any survey or resurveys, with the plan adopted, and the items of expenditure under said plan, under the act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, approved March 2, 1867; of all action taken under the provisions of this act, with a statement of the amount and date of all former appropriations for each work, and a full estimate for its entire and permanent completion, with the amount that can be profitably expended in the next fiscal year; and he shall also state in what collection district each work is located, and at or near what port of entry, light-house, or port; what amount of revenue was collected at the nearest port of entry for the last fiscal year; and, as far as	Statutes at Large, 2d session 39th Congress. 53	First Monday in December.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
	practicable what amount of commerce and navigation would be benefited by the completion of each particular work; also, whenever proposals are invited for any works, or for any material or labor for any works, there shall be separate proposals and separate contracts for each work, and he shall report on the first Monday of December next all the bids, with the names of the bidders.			
1868, March 2	Directed to appoint a board of competent engineers, of not less than three persons, to examine the condition of the wreck of the steamer Scotland, in New York harbor, and ascertain whether the same is dangerous to navigation, and report the facts thereon.	Statutes at Large, 2d session 40th Congress.	314	As early as practicable.
1868, July 27	Directed that there shall be prepared and submitted to Congress by the Secretary of War, in connection with the reports of examinations and surveys of rivers and harbors hereafter made by order of Congress, full statements of all facts showing to what extent the general commerce of the country will be promoted by the works of improvement contemplated by such examinations and surveys to prevent the application of public moneys where such improvements shall not be beneficial to the commercial and navigation interests of the United States.	Statutes at Large, 2d session 40th Congress.	329	No time specified.
1869, March 3	Report of the number of clerks in his Department, the number employed therein during preceding fiscal year, when employed and when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1869, April 10	A report of the expenditures under the appropriation for the improvement of rivers and harbors for the fiscal year ended June 30, 1872.	Statutes at Large, 1st session 41st Congress.	195	Early in December.
1870, February 15	A report of the disposition of the fund under the act entitled "An act for the temporary relief of the poor and destitute people in the District of Columbia."	Statutes at Large, 2d session 41st Congress.	65	First Monday in December.
1870, July 7	A copy of the report of the arbitrators under the act entitled "An act for the improvement of water communication between the Mississippi River and Lake Michigan, by the Wisconsin and Fox Rivers;" also, the progress made in the completion of said improvement, and the amount expended thereon, the amount, if any, required for the succeeding fiscal year, and the amount of revenue derived therefrom.	Statutes at Large, 2d session 41st Congress.	190	No time specified.
1870, July 15	A report of the names of persons entitled to relief, together with a statement of facts and sums upon which such report may be based, under section 10 of the act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1872, and for other purposes.	Statutes at Large, 2d session 41st Congress.	310	During the session.
1870, July 15	A report of the property of the United States in the public buildings and grounds belonging to the United States in the District of Columbia.	Statutes at Large, 2d session 41st Congress.	364	First day of December.
1871, February 2	A report showing the different items of expenditure under the act to re-imburse the State of Kansas for moneys expended for the United States in enrolling, equipping, and provisioning militia forces to aid in suppressing the rebellion.	Statutes at Large, volume 16.	402	No time specified.
1872, June 10	A report of the condition of the canal at the Falls of the Ohio River	Statutes at Large, 2d session 42d Congress.	401	During the session.
1872, June 10	Report as requested by section 3 of the act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, approved June 10, 1872.	Statutes at Large, 2d session 42d Congress.	405	During the session.

	Special.		
1871, March 30	Requested to cause the Engineer Department of the United States to extend the survey of the Etowa River, (already ordered,) so as to embrace estimates for a canal connecting said river with the Ocmulgee River, with a view to opening a direct and unobstructed water communication between the waters of the Mississippi River and the Atlantic Ocean, and to report to the Senate.	Senate Journal.....	100	No time specified.
1871, January 31	Requested to cause an examination or survey to be made of the harbor of Wellfleet, Massachusetts, with a view to dredging and improving the same, so as to afford greater protection and facilities to commerce; and that he report upon the feasibility of making such improvement, and the probable cost thereof, to the House of Representatives at the commencement of the first session of the next Congress.	House Journal.....	242	No time specified.
1872, March 11	Requested to communicate any information he may have upon the subject of a ship-canal from the waters of the Chesapeake to the waters of the Delaware Bay.	House Journal.....	485	No time specified.
1873, January 9	A report concerning an engineer reconnaissance in 1869, from the Department of California; First Lieutenant George M. Wheeler in charge.	Senate Journal.....	122 123	No time specified.
	BY THE SURGEON-GENERAL.			
1863, February 23	A report of the materials prepared by him relating to the medical and surgical history of the present rebellion.	Senate Journal.....	310	No time specified.
1868, July 27	Directed that all expenditures for said Providence Hospital, under appropriations of Congress, shall be made under the direction and control of the Surgeon-General of the Army, who shall report a full and complete statement of all expenses incurred under and by virtue of appropriations made by Congress.	Statutes at Large, 2d session 40th Congress.	210	At the December session of every Congress.
1868, July 27	Directed that the Superintendent of the said Columbia Institution for the Deaf and Dumb shall make a full and complete statement of all the expenditures made by virtue of any appropriations by Congress.	Statutes at Large, 2d session 40th Congress.	210	At the commencement of every December session of Congress.
1868, July 27	Directed that the Surgeon-General of the Army shall report to Congress a full and accurate account of all expenditures made by said asylum out of appropriations by Congress.	Statutes at Large, 2d session 40th Congress.	210	At every December session of Congress.
1868, July 27	Directed that contract shall be made by the Surgeon-General of the Army for care, support, and medical treatment of sixty transient paupers, medical and surgical patients, in some proper medical institution in the city of Washington, and statement with whom such contract is made, and amount and nature thereof.	Statutes at Large, 2d session 40th Congress.	210	At every December session of Congress.
1869, March 3	Report of the number of clerks in his Department, the number employed therein during the preceding fiscal year, when employed, and when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1869, March 3	A report stating with whom contract was made for the support of sixty transient paupers in some institution in the city of Washington.	Statutes at Large, 3d session 40th Congress.	45	In December.
	BY THE SECRETARY OF THE NAVY.			
	Annual.			
1808, April 21	A statement of the contracts made by the Navy Department on behalf of the United States in 1872.	Statutes at Large, volume 2..	485	Early in January.
1809, March 3	A statement of the expenditure of the money appropriated for the contingent expenses of the naval establishment during the year 1872, (not the contingencies of the Department.)	Statutes at Large, volume 2..	536	Early in January.
1815, December 11 1843, February 16	A printed Navy Register for 1872 showing the annual pay of each officer, with all emoluments and allowances.	Senate Journal, House Journal.	384	Early in January.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
1820, May 1	A statement showing the appropriations for the naval service for the year 1872, with the expenditure under each specific head, and the balance of the several appropriations unexpended at the close of the year, with an estimate of the probable demands which may remain on each of such balances.	Statutes at Large, volume 3..	567	First of February.
1832, July 10	A report of the receipts and expenditures of the Navy-Hospital fund in 1872.....	Statutes at Large, volume 4..	508	During the session.
1838, April 20 } 1842, August 26 }	The names of the clerks and other persons employed in the Navy Department during the year 1872, or any part thereof, with the time each person was actually employed, and the sum paid each, and whether they have been usefully employed; whether the services of any can be dispensed with without detriment to the public service; and whether the removal of any, and the appointment of others in their stead, is required for the better dispatch of business; and the residence of each at the time of his appointment.	Statutes at Large, volume 3.. Statutes at Large, volume 5..	447 525	In January.
1842, August 26	A full and detailed statement of the expenditure of the contingent fund of the several officers of the Navy Department in 1872, showing to whom payments were made, for what made, &c.	Statutes at Large, volume 5..	527	Commencement of the session.
1848, August 3	A report of the transfers of appropriations from one head to any other head of the appropriations for the naval service for the year 1872.	Statutes at Large, volume 9..	271	During the session.
1852, August 31	A report of the number and names of appointments to the Naval School which have been made; the district and State whence each one comes; the number of existing vacancies, with the congressional district which may be entitled to supply them; and a statement of the order in which the remainder of the congressional district shall be entitled to all future and accruing vacancies, &c.	Statutes at Large.....	102	Every second session.
1866, June 1	A report of the board of examiners to select a site at or near Portland, Maine, for a fresh-water basin for iron-clad vessels of the United States Navy, and to ascertain the advantages and cost of said site.	Statutes at Large, 1st session 39th Congress.	357	During the session.
1867, March 2	A report, under the act for the relief of certain contractors for the construction of vessels of war and steam-machinery, with a tabular statement of each case, which shall contain the name of the contractor, a description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of such increased cost caused by the delay and action of the Government as aforesaid, and the amount already paid the contractor over and above the contract price.	Statutes at Large, 2d session 39th Congress.	56	No time specified.
1868, July 7	Directing that a commission, consisting of an engineer officer of the Army, detailed by the Secretary of War, and two competent and impartial officers of the Navy, detailed by the Secretary of the Navy, shall make a careful examination of the harbor of Boston, and report whether the construction of a bridge between Boston and East Boston will be detrimental to the interests of the United States in the navy-yard at Charlestown.	Statutes at Large, 2d session 40th Congress.	322	At the December session.
1869, March 3	Report of the number of desks in his Department, the number of clerks, the number employed therein during the preceding fiscal year, when employed, and when discharged and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1870, July 15	A report of the property of the United States in the public buildings and grounds belonging to the United States in the District of Columbia.	Statutes at Large, 2d session 41st Congress.	364	First day of December.
1872, May 23	A report of his acts under the authority given by section 2 of the act making appropriations for the naval service for the year ending June 30, 1873, and for other purposes.	Statutes at Large, 2d session 42d Congress.	155	Beginning of the session.

		Special.			
1872, March	1	Information as to what proceedings have been taken by him to obtain damages for the destruction of the sloop-of-war Oneida.	House Journal	433	No time specified.
		BY THE POSTMASTER-GENERAL.			
		Annual.			
1825, March	5	A statement of the amount of postage accruing in the last year at each of the post-offices in the several States and Territories of the United States, classifying the said accounts of postage so accruing by States and Territories.	House Journal	291	During the session.
1825, March	3	A list of such post-routes as have not, after the second year, produced the third part of the expenses of transporting the mail on the same.	Statutes at Large, volume 4	113	In February.
1836, July	2	A report of contracts for the transportation of the mail within the last year, with all the particulars in relation thereto.	Statutes at Large, volume 5	84	During the session.
1836, July	2	A report of all extra allowances to contractors made during the last year, with all extra expenses incurred, and all curtailment of expenses.	Statutes at Large, volume 5	84	During the session.
1836, July	2	A report of the incidental expenses of the Post-Office Department for the last year	Statutes at Large, volume 5	85	During the session.
1836, July	2	A report of the finances of the Post-Office Department for the last year	Statutes at Large, volume 5	85	During the session.
1836, July	2	A report of the fines and penalties imposed on contractors for failures or other causes	Statutes at Large, volume 5	85	During the session.
1836, July	2	A transcript of the records of all offers made for carrying the mails	Statutes at Large, volume 5	86	During the session.
1836, July	2	Estimates for the service of the Post-Office Department for the year ending June 30, 1874	Statutes at Large, volume 5	80	During the session.
1836, July	2	Proceedings in regard to unlawful combinations respecting the making of mail contracts, if any such combinations have been made.	Statutes at Large, volume 5	87	During the session.
1842, August	26	A full and detailed statement of the expenditure of the contingent funds of the several offices of the Post-Office Department, showing to whom payments were made, for what made, &c.	Statutes at Large, volume 5	527	Commencement of the session
1842, August	26	Statement of all moneys expended by disbursing agents of the Post-Office establishment during the year 1872.	Statutes at Large, volume 5	527	In January.
1818, April	20	The names of the clerks and all other persons employed in the Department of the Post-master-General during the year 1872, or any part thereof, with the time each person was actually employed and the sum paid to each, and whether they have been usefully employed; whether the services of any can be dispensed with without detriment to the public service; and whether the removal of any and the appointment of others in their stead is required for the better dispatch of business; and the residence of each at the time of his appointment.	Statutes at Large, volume 3	457	In January.
1842, August	26		Statutes at Large, volume 5	525	During the session.
1845, March	3	Copies of contracts for carrying the mails between any of the ports of the United States and a port or ports of foreign powers, with a statement of the amount of postage derived under the same.	Statutes at Large, volume 5	749	During the session.
1866, May	16	A report of the commission appointed to select a proper site for a building for a post-office and for the accommodation of the United States courts in the city of New York.	Statutes at Large, 1st session 39th Congress.	356	No time specified.
1869, March	3	Report of the number of desks in his Department, the number of clerks, the number employed during the preceding fiscal year, when employed, when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1870, July	15	A report of the property of the United States in the public buildings and grounds belonging to the United States in the District of Columbia.	Statutes at Large, 2d session 41st Congress.	364	First day of December.
1872, June	8	A report of all contracts for carrying the mail made within the preceding year, giving in each case the name of the contractor; the date and duration of the contract; the routes embraced therein, with the length of each; the time of arrival and departure at the ends of each route; the mode of transportation; and the price to be paid, together with a copy	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
	of the recorded abstracts of all proposals for carrying the mail, as provided by section two hundred and forty-eight.			
1872, June 8	A report of all land and water mails established or ordered within the preceding year, other than those let to contract at the annual letting, giving in each case the route or water-course on which the mail is established; the name of the person employed to transport it; the mode of transportation; the price to be paid; and the duration of the order or contract.	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
1872, June 8	A report of all allowances made to contractors within the preceding year above the sums originally stipulated in their respective contracts, and the reasons for the same, and of all orders made whereby additional expense is incurred on any route beyond the original contract-price, giving in each case the route; the name of the contractor; the original service provided for by the contract; the original price; the additional service required; and the additional allowance therefor.	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
1872, June 8	A report of all curtailments of expenses effected within the preceding year, giving in each case the same particulars as in the preceding report.	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
1872, June 8	A report of the finances of the Department for the preceding year, showing the amount of balance due the Department at the beginning of the year; the amount of postage which accrued within the year; the amount of engagement and liabilities; and the amount actually paid during the year for carrying the mail, showing how much of said amount was for carrying the mail in preceding years.	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
1872, June 8	A report of the fines imposed on, and the deductions from the pay of, contractors, made during the preceding year, stating the name of the contractor; the nature of the delinquency; the route on which it occurred; when the fine was imposed; and whether the fine or deduction hasbeen remitted; and for what reason.	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
1872, June 8	A copy of each contract for carrying the mail between the United States and foreign countries, with a statement of the amount of postage derived under the same, so far as the returns of the Department will enable it to be done.	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
1872, June 8	A report showing all contracts which have been made by the Department, other than for carrying the mail, giving the name of the contractor; the article or thing contracted for; the place where the article was to be delivered or the thing performed; the amount paid therefor; and the date and duration of the contract.	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
1872, June 8	A report of the clerks and other persons employed in the Department during the year, or any part thereof, giving the names of the persons; the time they were actually employed; and the sum paid each; whether they have been usefully employed; whether the services of any can be dispensed with without detriment to the public service; and whether the removal of any, and the appointment of others in their stead, is required for the better dispatch of business.	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
1872, June 8	A report on the postal business and agencies in foreign countries.....	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
1872, June 8	That the Postmaster-General shall submit to Congress at each annual session a statement of the amount expended during the preceding fiscal year, and an estimate of the amount that will be required for the ensuing fiscal year, under each of the following heads:	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.

		"Transportation of the mails;" "compensation of postmasters;" "compensation of clerks in post-offices;" "compensation of letter-carriers;" "compensation of blank-agents and assistants;" "mail depredations and special agents;" "postage-stamps and envelopes;" "ship, steamboat, and way letters;" "dead-letters;" "mailing-bags;" "mail-locks, keys, and stamps;" "wrapping-paper;" "office furniture;" "advertising;" "balances to foreign countries;" "rent, light, and fuel to post-offices;" "stationery;" and "miscellaneous," showing the sums paid under each head, and the names of the persons to whom payments are made out of the miscellaneous fund; but the names of persons employed in detecting depredations on the mails, and of other confidential agents, need not be disclosed.			
1872, June	8	To report a detailed statement of the expenditures of the contingent fund of his Department, and accounts of all property belonging to the United States in the buildings under his charge.	Statutes at Large, 2d session 42d Congress.	304 305 306	At each session.
		Special.			
1873, February	11	A statement of contracts in force for carrying the mails from New Orleans to Key West and Havana; Washington City and Norfolk, and Baltimore and Key West, &c.	House Journal.....	366	No time specified.
		BY THE ATTORNEY-GENERAL.			
		Annual.			
1870, June	22	A report of the business of the Department of Justice, and any other matters appertaining thereto that he may deem proper, including the statistics of crime under the laws of the United States, and, as far as practicable, under the laws of the several States.	Statutes at Large, 2d session 41st Congress.	164	In January.
1871, March	3	A report of the distribution of the fund appropriated for the payment of the necessary expenses incurred in defending suits against the Secretary of the Treasury for the seizure of captured or abandoned property.	Statutes at Large, volume 16	497	No time specified.
		Special.			
1870, February	7	Directed to furnish the Senate a copy of the charges of official misconduct preferred against the marshal of the southern district of Illinois, the report of the district attorney appointed to investigate the charges upon the same, and the answer of the marshal to said charges.	Senate Journal.....	210	No time specified.
		BY THE SECRETARY OF THE INTERIOR.			
		Annual.			
1868, April	21	Statement of the contracts made by direction of the Department of the Interior.....	Statutes at Large, volume 2.	484	Early in January.
1842, August	26	A full and detailed statement of the expenditure of the contingent fund of the several offices of the Department of the Interior, showing to whom payments were made, for what made, &c.	Statutes at Large, volume 5.	527	Early in January, and are usually included in one report.
1818, April 1842, August	20 26	The names of all clerks and other persons who have been employed in the several offices of the Department of the Interior during the year 1872, or any part thereof, with the time each person was actually employed, and the sum paid each; also whether they have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service; and whether the removal of any and the appointment of others in their stead is required for the better dispatch of business; and the residence of each at the time of his appointment.	Statutes at Large, volume 3. Statutes at Large, volume 5.	447 525	Early in January, and are generally included in one report.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
1830, May 29	A list of applicants for pensions, or for increase of pensions, whose cases are not embraced by the laws, but which ought to be granted.	Statutes at Large, volume 4.	430	In January.
1832, July 10	A report of the receipts and expenditures of the Navy pension fund and privateer pension fund in 1872, the names of pensioners, and the amount of their pensions, respectively.	Statutes at Large, volume 4.	572	During the session.
1789, August 7	A report upon the condition of the Office of Indian Affairs, and of the various tribes of Indians within the limits of the United States.	Statutes at Large, volume 1.	50	Commencement of the session; usually accompanies the annual message of the President.
1789, September 2	A report upon the condition of the General Land-Office, the amount of the sales of the public lands, and an account of the surveys made of the same during the year 1872.	Statutes at Large, volume 1.	66	In January.
1865, February 9	A report of the names of certain friendly Indians of the Sioux Nation, in Minnesota, for whose benefit money was expended, and the amount expended for each.	Statutes at Large, 2d session 38th Congress.	427	During the session.
1865, March 3	Report of money expended to carry into effect any treaty stipulation with any tribe or tribes of Indians, all or any portion of whom shall be in a state of actual hostility to the Government of the United States, including the Creeks, Choctaws, Chickasaws, Seminoles, Wichitas, and other affiliated tribes, as well as the Cherokees, as may be found necessary to support such individual members of said tribes as have been driven from their homes or reduced to want on account of their friendship to the United States, and enable them to subsist until they can support themselves in their own country.	Statutes at Large, 2d session 38th Congress.	562	Commencement of session.
1866, July	A report by the Director of the Bureau of Statistics on the statistics of commerce and navigation, exports and imports.	Statutes at Large, 1st session 39th Congress.	331	Early in December.
1866, May	A report of the commission appointed to select a proper site for a building for a post-office and for the accommodation of the United States courts in the city of New York.	Statutes at Large, 2d session 39th Congress.	356	No time specified.
1867, March 2	A report upon the condition of the public buildings in the Territory of New Mexico, with an estimate of what amount is necessary to complete the same.	Statutes at Large, 2d session 39th Congress.	100	No time specified.
1867, March 2	A report from the Commissioner of Indian Affairs of any case of hostilities by any tribe with which the United States has treaty stipulations, which shall have occurred since his next preceding report. Also made the duty of the officer in charge of the Indian Bureau to report, separately, at the commencement of each December session, a tabular statement, showing distinctly the separate objects of expenditure under his supervision, and how much disbursed for each object, describing the articles and the quantity of each, and giving the name of each person to whom any part was paid, and how much paid to him, and for what object, so far as they relate to the disbursements of the funds hereinbefore, or which shall hereafter be, appropriated for the incidental, contingent, or miscellaneous expenses of the Indian service during the fiscal year next preceding each report.	Statutes at Large, 1st session 39th Congress.	152	No time specified.
1867, January 22	A report of the commission appointed to procure a site for a building to accommodate the post-office and United States courts in the city of New York. To be made with the Postmaster-General.	Statutes at Large, 2d session 39th Congress.	232	No time specified.
1869, March 3	Report of the number of desks in his Department, number of clerks, the number employed during the preceding fiscal year, when employed and when discharged, and the amount of compensation received by each, and what reduction, if any, can be made in the number of clerks in each grade.	Statutes at Large, 3d session 40th Congress.	45	First Monday in December.
1860, March 3	A statement of the manner in which the appropriation for the relief of two bands of Sisseton	Statutes at Large, 3d session	61	No time specified.

		and Wahpeton Sioux Indians in Dakota Territory, to be expended under the direction of Rev. H. B. Whipple, was expended.	40th Congress.		
1870, July	15	A report of the property of the United States in the public buildings and grounds belonging to the United States in the District of Columbia.	Statutes at Large, 2d session 41st Congress.	364	First day in December.
1872, May	29	To report a plan for equitably extinguishing, as far as possible, the separate claims upon the Government for annuities and allowances of diminished Indian tribes, and also for providing, on a uniform basis, for all Indians who are collected at the same agency.	Statutes at Large, 2d session 42d Congress.	198	No time specified.
1872, May	29	To report the nature and character and amount of claims, whether allowed by him or not, for compensation for depredations committed by the Indians.	Statutes at Large, 2d session 42d Congress.	199	No time specified.
1873, March	3	Directed to report the result of negotiations with the Creek Indians for the relinquishment to the United States of certain portions of their country.	Statutes at Large, volume 17.	626	No time specified.
		Special.			
1871, January	10	Directed to transmit to the Senate copies of all correspondence in relation to the disposal of the lands known as the Miami Indian reservation in Kansas, or any part thereof, had since and including the year 1865, together with abstracts of all transfers of such lands to Indians or other persons which may have required the approval of the Secretary of the Interior, or may be of record in that Department.	Senate Journal.....	107	No time specified.
1871, March	20	Directed to communicate to the Senate a list of the names and residences of the enumerators and persons employed in obtaining the various statistics of the ninth census of the United States, with the number of days of actual service by each in the work of enumeration, together with the amount paid or to be paid these officers, respectively, in accordance with law.	Senate Journal.....	67	No time specified.
		BY THE COMMISSIONER OF PATENTS.			
1837, March	3	A list of all patents granted for the preceding year for inventions and improvements; also a list of patents which have expired during the same period.	Statutes at Large, volume 5..	195	In January.
1868, July	20	Directed to communicate to Congress a full and detailed account of moneys received for duties on patents, and for copies of records and drawings, and all other moneys received by virtue of said office; and of all moneys expended by him under and by virtue of this provision for said contingent and miscellaneous expenses, and for salaries, and the names of the persons to whom such salaries are paid, and the amount thereof paid to each.	Statutes at Large, 2d session 40th Congress.	92	At the commencement of every December session.
1870, July	8	A report giving a detailed statement of all moneys received for patents, for copies of records or drawings, or from any other source whatever; a detailed statement of all expenditures for contingent and miscellaneous expenses; a list of all patents which were granted during the preceding year, designating, under proper heads, the subjects of such patents; an alphabetical list of the patentees, with their places of residence; a list of all patents which have been extended during the year; and such other information of the condition of the Patent-Office as may be useful to Congress or the public.	Statutes at Large, 2d session 41st Congress.	199	In January.
		BY THE COMMISSIONER OF AGRICULTURE.			
1862, May	15	Report of the practical and experimental information relating to agriculture collected, and seeds and plants obtained and distributed among agriculturists.	Statutes at Large, volume 12.	388	During the session.
1870, July	15	A report of the property of the United States in the public buildings and grounds belonging to the United States in the District of Columbia.	Statutes at Large, 2d session 41st Congress.	364	First day of December.
		BY THE COMMISSIONER OF PUBLIC BUILDINGS.			
		Annual.			
1829, March	3	The application of the appropriations for 1872, the number of public lots sold, &c., and the state of the buildings and grounds.	Statutes at Large, volume 4..	363	In December.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page	When expected to be made.
1838, April 16	Copies of all contracts made in his office for materials furnished or to be furnished, or for labor performed or to be performed, &c.	House Journal.	84	Commencement of the session.
1840, July 21	The manner in which all appropriations for the public buildings and grounds have been applied.	Statutes at Large, volume 6..	815	Commencement of the session.
	BY THE SECOND AUDITOR.			
	Annual.			
1822, May 6 1834, June 30	Copies of the accounts of Indian agents, superintendents, and others, charged with the disbursement of money, goods, or effects of any kind for the benefit of the Indians.	Statutes at Large, volume 3.. Statutes at Large, volume 4..	683 738	In February.
	BY THE SECRETARY OF THE SENATE AND THE CLERK OF THE HOUSE OF REPRESENTATIVES, (EACH TO HIS HOUSE RESPECTIVELY.)			
	Annual.			
1836, May 9 1842, August 26	A full detailed statement of the expenditure of the contingent fund of their Houses, respectively, showing to whom payments were made, for what made, &c.	Statutes at Large, volume 5.. Statutes at Large, volume 5..	25 525	Commencement of the session.
1842, August 26	The names of the clerks and all other persons employed in the service of their respective Houses during the year 1872, or any part thereof, with the time each person was actually employed, and the sum paid each, and whether they have been usefully employed; whether the services of any can be dispensed with without detriment to the public service; and whether the removal of any, and the appointment of others in their stead, is required for the better dispatch of business.	Statutes at Large, volume 5..	525	In January.
1870, July 15	A full and complete statement of all their receipts and expenditures as such officers, and account of all property in their possession belonging to the United States.	Statutes at Large, 2d session 41st Congress.	365	First day of the session.
	BY THE CLERK OF THE HOUSE OF REPRESENTATIVES.			
	Annual.			
1842, March 7	A report showing distinctly the quantity and cost of all the stationery used by the House and Clerk's office.	House Journal.....	495	Commencement of the session.
1870, July 15	A full and complete statement of all their receipts and expenditures as such officer, and report of all the property in their possession belonging to the United States.	Statutes at Large, 2d session 41st Congress.	365	First day of the session.
	BY THE GOVERNORS OF THE SEVERAL STATES.			
1862, July 2	Report of the sales made of the scrip sold for the benefit of colleges for the promotion of agriculture and the mechanic arts, and the amount received.	Statutes at Large, volume 12	505	During the session.

		BY THE BOARD OF MANAGERS OF THE MILITARY AND NAVAL ASYLUM FOR THE RELIEF OF TOTALLY DISABLED OFFICERS AND MEN OF THE VOLUNTEER FORCES OF THE UNITED STATES.			
1866, March	21	A report of the condition of the asylum	Statutes at Large, 1st session 39th Congress.	11	First Monday in January.
		BY THE COMMISSION APPOINTED UNDER THE ACT TO PROVIDE FOR THE REVISION AND CONSOLIDATION OF THE STATUTE LAWS OF THE UNITED STATES.			
1866, June	27	A report of their progress and doings, and when revised and consolidated to be reported as soon as practicable, and the whole work closed without delay.	Statutes at Large, 1st session 39th Congress.	75	No time specified.
		BY THE CHESAPEAKE BAY AND POTOMAC RIVER TIDE-WATER CANAL COMPANY.			
1866, July	26	A report of their receipts and expenditures on said extension, with a statement of the clear profits thereof.	Statutes at Large, 1st session 39th Congress.	254	No time specified.
		BY THE CONGRESSIONAL PRINTER.			
1866, July	27	A report to the Joint Committee on Printing of estimates of the quantity of paper of all descriptions which will, in his opinion, be required for the execution of the public printing during the coming year, and also to include in his annual report a detailed statement of all proposals made and contracts entered into for the purchase of paper.	Statutes at Large, 1st session 39th Congress.	305	No time specified.
1872, May	8	A detailed report of the accounts for printing and binding ordered by the heads of Departments or public offices.	Statutes at Large, 2d session 42d Congress.	75	In his annual report.
		BY THE DIRECTORS OF THE WASHINGTON COUNTY HORSE-RAILROAD COMPANY.			
1867, January	31	A report annually of their doings	Statutes at Large, 2d session 39th Congress.	12	No time specified.
		BY THE LIGHT-HOUSE BOARD.			
1867, March	2	Directed to make a survey, if no survey has been made, at Crossledge Shoal, or at some other point in the Delaware Bay, in the neighborhood of Sadl Shoal, and report, in the survey to be made or which has already been made, as to the feasibility of erecting thereon a permanent light-house, and an estimate of the amount necessary to be appropriated therefor.	Statutes at Large, 2d session 39th Congress.	57	No time specified.
		BY THE COMMISSIONER OF EDUCATION.			
1867, March	2	A report embodying the results of his investigations and labors, together with a statement of such facts and recommendations as will, in his judgment, subserve the purpose for which this Department is established. In the first report there shall be presented a statement of the several grants of land made by Congress to promote education, and the manner in which these several trusts have been managed; the amount of funds arising therefrom, and the annual proceeds of the same as far as the same can be determined.	Statutes at Large, 2d session 39th Congress.	66	No time specified.

List of reports—Continued.

Date of the law or resolution.	Officer, and nature of the report.	By what authority.	Page.	When expected to be made.
	BY THE CLERK OF THE COURT OF CLAIMS.			
1868, June 25	Directed to furnish a full and complete statement of all the judgments rendered by the said court for the previous year, stating the amounts thereof, and the parties in whose favor rendered, together with a brief synopsis of the nature of the claims upon which said judgments had been rendered.	Statutes at Large, 2d session 40th Congress.	48	At the commencement of each December session.
	CONNECTICUT AVENUE AND PARK RAILWAY COMPANY IN THE DISTRICT OF COLUMBIA.			
1868, July 13	Directed that there shall be an annual meeting of the stockholders for choice of directors, to be holden at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to Congress and to the stockholders.	Statutes at Large, 2d session 40th Congress.	59	
	BY THE COMMISSIONER OF INTERNAL REVENUE.			
1869, March 3	Directed to make a detailed report of the expenditure of the appropriation for salaries and expenses of collectors, assessors, assistant assessors, revenue agents, inspectors, and superintendents of exports and drawbacks, together with the expense of carrying into effect the various provisions of the several acts providing internal revenue, to whom paid, how much to each, and for what purpose, giving the item of each payment, and the number of employés.	Statutes at Large, 3d session 40th Congress.	31	In December.
	BY THE LIBRARIAN OF CONGRESS.			
1870, July	A report of the number and description of copyright publications for which entries have been made during the year.	Statutes at Large, 2d session 41st Congress.	212	No time specified.
	BY THE SERGEANTS-AT-ARMS OF THE SENATE AND HOUSE OF REPRESENTATIVES, (EACH TO HIS HOUSE, RESPECTIVELY.)			
1870, July 15	A full and complete report of all the property belonging to the United States in their possession at the expiration of their terms of service.	Statutes at Large, 2d session 41st Congress.	365	First day of the session.
	BY THE POSTMASTERS OF THE SENATE AND HOUSE OF REPRESENTATIVES, (EACH TO HIS HOUSE, RESPECTIVELY.)			
1870, July 15	A full and complete report of all the property belonging to the United States in their possession at the expiration of their terms of service.	Statutes at Large, 2d session 41st Congress.	365	First day of the session.
	BY THE DOOR-KEEPER OF THE HOUSE OF REPRESENTATIVES.			
1870, July 15	A full and complete report of all the property belonging to the United States in their possession at the expiration of their term of service.	Statutes at Large, 2d session 41st Congress.	365	First day of the session.

		BY THE COLUMBIA RAILWAY COMPANY OF THE DISTRICT OF COLUMBIA.			
1870, May	24	A report of their doings to Congress or to the Secretary of the Interior, and to the stockholders in general meeting.	Statutes at Large, 2d session 41st Congress.	137	No time specified.
		BY THE COMMISSION TO SELECT A SITE FOR A NEW STATE DEPARTMENT.			
1869, December	14	A report of their doings	Statutes at Large, 2d session 41st Congress.	367	First day of the session.
		BY THE COMMISSION AUTHORIZED BY THE ACT PROVIDING FOR AN INTERNATIONAL EXHIBITION IN PHILADELPHIA IN 1876.			
1871, March	3	A report designating a suitable date for opening and for closing the exhibition; a schedule of appropriate ceremonies for opening or dedicating the same; a plan or plans of the building; a complete plan for the reception and classification of articles intended for exhibition, &c.	Satutes at Large, volume 16..	471	No time specified.
		BY THE COMMISSIONERS OF CLAIMS.			
1871, March	3	A report of their proceedings and of each claim considered	Statutes at Large	525	Commencement of the session.
		BY THE BOARD OF SURVEY OF THE HARBOR AT WASHINGTON, D. C.			
1872, March	5	Report of a plan for opening, improving, and developing the water-channel so as to secure the best possible harbor facilities along said water-front.	Statutes at Large, 2d session 42d Congress.	20	As early as practicable.

CONTINGENT REPORTS.

If a transfer of the appropriations made for any of the Departments or branches of the Government shall have been made, by order of the President of the United States, during the recess of Congress, it is made the duty of the head of the Department in which such transfer shall have been made to report to Congress, during the first week of the session, a special account of the moneys thus transferred, with their application.

See act 3d March, 1809, Statutes at Large, vol. 2, p. 525.
See act 3d March, 1817, Statutes at Large, vol. 3, p. 390.
See act 1st May, 1820, Statutes at Large, vol. 3, p. 568.
See act 30th June, 1834, Statutes at Large, vol. 4, p. 742.

If any State refuses to cede to the United States jurisdiction over the lands purchased by the United States for public purposes, the head of the Executive Department making the application is directed immediately to report the same to Congress.

See Statutes at Large, vol. 5, p. 468.

The several heads of Departments, in communicating estimates of appropriations and expenditures to Congress, or to committees of Congress, are required to specify the sources from which the estimates are derived, with the calculations upon which founded, and to discriminate between such as are conjectural and such as are framed upon specific information; also, to specify the laws, treaties, or other authority for the expenditure.

If the head of a Department consolidate appropriations "for the contingencies of his Department and its several Bureaus," he shall, in his annual report to be made to Congress, state the portion of it expended for the Department proper, and for each Bureau.

See Statutes at Large, vol. 5, p. 686.

If, in submitting to Congress the annual estimates from the several Executive Departments of the Government, it shall be found that the usual items of such estimates vary materially in amount from the appropriations ordinarily asked for the object named, and especially from the appropriation granted for the same object for the year next preceding, and whenever new items not theretofore usual shall be introduced into such estimates for any year, the estimates shall be accompanied by minute and full explanations, from the head of the appropriate Department, of all such variations and new items, setting forth the reasons and grounds upon which the amounts are required, and the different items added; and whenever any such estimates, whether annual or special, shall ask an appropriation for any new specific expenditure, such as the construction of a fort, the erection of a custom-house or other public building, or the construction of any other public work requiring a plan before the building or work can be properly completed, every such estimate shall be accompanied by a full plan and detailed estimates of the cost of the whole work; and all subsequent estimates for every such work shall give the original estimated cost, the aggregate amount theretofore appropriated for the same, and the amount actually expended thereupon, as well as the amount asked for the current year for which such estimates shall be made; and whenever any such subsequent estimate shall ask for an appropriation for any such work beyond the original estimate of the cost, the full reasons for the excess, and the extent of the anticipated excess, shall be also stated.

See Statutes at Large, vol. 5, p. 693.

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